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DEDICATED TO

THE VITALISING MEMORY OF
THE GUIDING STAR OF THE MILLAT

ALLAMA IQBAL

Preface

While a student of M.A. in Political Science I sought after some book which could acquaint me with almost all important aspects of my great Motherland, the Islamic Republic of Pakistan. But I found none. Different topics were contained in different books, whereas I wanted to see them collected in one handy volume. This anxiety set forth the idea of the compilation of this book.

For a student it was a huge undertaking. So I wavered. But Professor Rafi Anwer and Professor Mohammad Munawwar of Government College, Lahore, boosted up my self-confidence and encouraged me to take up this work. Both of them have always been very kind to me as teachers and benevolent as friends.

I cannot declare that the book presents a complete picture of Pakistan's social, political, economic, religious, cultural, ideological and geographical problems, yet a concise information about all vital aspects and pressing problems is contained in it, which I hope can be helpful to those who are desirous of knowing the genesis of Pakistan. The book can be especially helpful to those who aspire to go in for the higher competitive examinations.

I am sincerely thankful to Mufti Lutuf Ullah, C.S.P., Professor Mohammad Siddique, Professor A. I. Siddiquee, Mirza Bashir Hussain Birlas for their help in providing material and making suggestions in the planning of the work.

I should also like to express appreciation for the assistance received from friends, Javed Akhtar, Ilyas Mehdi, Noor Saghir, Professor Mashkoor Hussain Yad and Haroon.

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Contents

as Minto-Morley Reforms. Lord Morley was the Secretary of State for India and Lord Minto the Viceroy of India at that time. The most important aspect of the Bill was that it increased the representative element in the Legislative Councils and enhanced their powers. The Electoral Regulations were made very elaborate and were intended to give representation to all interests. The Act of 1909 introduced separate electorates for the Muslims. However, the position of the Assemblies was advisory only and they had no jurisdiction over the administration. The result was that the progressive elements in the country remained dissatisfied and the demand for the right of Self-Government was getting strength.

In 1913 the All-India Muslim League adopted a new constitution to include among its objects the attainment of a system of Self-Government suitable to India. Annual sessions of the Congress and the Muslim League were held simultaneously in 1916 at Lucknow and there the Hindu and Muslim leaders jointly prepared a scheme of reforms in which efforts were made to remove political differences between the Hindus and the Muslims. After this compromise, known as "The Lucknow Pact," had been reached, the Hindus as well as the Muslims began to demand "Home Rule" for India.

The demand for Home Rule created such an agitation that even the members of the Viceroy's Executive Council felt the need of further constitutional reforms in India. In order to satisfy Indian aspirations for Self-Government, Mr. Montagu, the then Secretary of State for India, made, on behalf of the British Government, a declaration in the House of Commons on 20 August 1917 which held out a promise that India would one day achieve the goal of responsible Government.

Mr. Montagu came to India in 1917 and issued along with Lord Chelmsford, the Viceroy, a report on Indian Constitutional Reforms. The recommendations contained in the report were embodied in a Bill. In this way the Government of India Act, 1919, sometimes called Montagu-Chelmsford Reforms, was passed.

These Reforms were much below the popular expectations in the country and the majority of the Congress and Muslim League members did not approve of them. A feeling of bitter resentment spread throughout the country.

The Khilafat Movement

The Muslims of India always had a soft corner for the Muslims all over the world and a special regard for *Khilafat*. Turkey was defeated in World War I. Her territories were given under the mandatory control of Britain and France. The Indian Muslims did not like it at all, but their feelings were absolutely ignored. This raised an uproar among the Muslims of India and they rose like one man against this treachery and injustice. The movement began in 1920. In the meantime, the Congress launched a non-co-operation movement. So both the movements, being directly against the British Government, merged into one. Mr. Gandhi was chosen as the sole dictator of the movement. The movement was perhaps on the way to success. But suddenly Mr. Gandhi, on an excuse of violence, stopped the movement in 1922. Thus the Khilafat Movement failed. Its shock was terrible to the Muslims and this led the Muslims towards the idea of self-reliance. This was, perhaps, the last manifestation of Hindu-Muslim unity, which had emanated from the Lucknow Pact.

The Simon Commission

To review and revise the Reforms of 1919, the British Government appointed a Commission headed by Sir John Simon, in 1927. The Commission presented its Report in 1930 in which grant of Provincial Autonomy and some other reforms in the Centre were recommended.

The Nehru Report

The day on which the Commission landed in India, there was a "hartal" all over the country. Wherever the members of the Commission went, they were greeted with black flags and cries of "Simon, go back". While the members of the Simon Commission were taking stock of the political situation in India,

the Congress called an All-Parties Conference (which was, however, boycotted by the Muslim League) in Bombay on 19 May 1928. The Conference appointed a Committee under the chairmanship of Pandit Motilal Nehru to submit a report after considering and determining the principles of a Constitution for India. This Report, as accepted by the Conference, denied to the Muslims the one-third share of the central seats which had been agreed to by the Congress according to the Lucknow Pact.

Quaid-e-Azam's Fourteen Points

In March 1929 Mr. Jinnah summoned a meeting of the All-India Muslim League at Delhi and put forward his Fourteen Points as the minimum Muslim demand for any political settlement and at the same time rejected the Nehru Report. From that day on the Congress behaved like a party openly hostile to the Muslims and thus the last hope of Hindu-Muslim unity died away. In **1930** at the annual session of the Muslim League held at Allahabad, Allama Sir Muhammad Iqbal advocated in his presidential speech the partition of India and the establishment of a separate state consisting of the Punjab, Sind, Baluchistan, the N.-W.F.P., and Kashmir. This idea of a separate state, which, at that time, was considered only a poet's dream, was soon given a very appropriate name—PAKISTAN—by Ch. Rehmat Ali and his friends.

The political circumstances in India were changing rapidly. The British Government, in order to evaluate the Hindu-Muslim problem, invited them to a series of Round Table Conferences in London. These Conferences were held thrice from 1930 to 1932.

The Communal Award of 1932

As the Indians could not arrive at any settlement, Ramsay MacDonald gave his famous "Award" known as the Communal Award on 26 August 1932. This Award recognised the scheduled castes as a separate community and reserved seats for them as well. Gandhi started a fast unto death as a result of which an agreement was finally reached between the Hindus and the

scheduled castes on 25 September 1932, known as the Poona Pact. According to this Pact, the seats of the scheduled castes were increased, and they gave up their right of representation as a separate community.

On the basis of the Round Table Conferences held from 1930 to 1932, the British Government issued a White Paper in 1933 containing proposals about the constitutional reforms in India which were later on adopted and passed as the Government of India Act, 1935.

The Government of India Act, 1935

Although the Government of India Act of 1935 is considered to be a masterpiece of draftsmanship, it is the most complicated instrument in the whole history of constitutional development in India. Special features of the Act of 1935 were:

1. The acceptance of an All-India Federation.
2. The introduction of partial responsibility in the form of dyarchy at the Centre.
3. The grant of autonomy to the provinces.
4. Safeguards, reservations, special responsibilities, overriding powers, etc., in the hands of the Governors and the Governor-General.
5. Creation of a Federal Court, Federal Railway Authority, the Reserve Bank of India, Public Service Commission for the Federation and Provinces.

The provinces had no alternative but to join the Federation, but the princely states were given the option to join it or not to join it. Most of the states showed their unwillingness to join the Federation for fear of financial difficulties. In 1939 the Second World War broke out and the British Government became so occupied in the struggle that it had no time to implement the Federal part of the scheme.

Under the new Act, elections were held in all the provinces in 1937. In seven provinces out of eleven, the Congress won outright majorities. The majority of Muslim miniority members in

the U.P. were associated with the Muslim League. When the Congress decided to form ministries the Muslim League offered to join the Congress ministries on certain terms. The Congress required that the Muslim groups in the Legislature must stop functioning as a separate group and it must come under the control and discipline of the Congress High Command. The Muslim League Parliamentary Board in U.P. should be dissolved and no candidate should be put up by the Board at any subsequent election. The Muslim League refused to accept those terms. Mr. M.A. Jinnah, President of the Muslim League, described the Congress as "drunk with power".

Thus the two main communities began to drift apart politically, and this tendency was accelerated during and immediately after the War. The Muslims began to organise themselves under the leadership of the Quaid-e-Azam and the banner of the Muslim League. Soon after the demand of the Muslims for a separate homeland became so forceful that the partition of India could not be avoided.

The Lahore Resolution

One of the standing theories current during the First World War was that every distinct European nationality should form a separate state. Every nationality should have the right to determine the form of government of the state in which it would live. On the basis of this principle known as the "Right of Self-Determination of Nations," several new states, such as Finland, Poland, Czechoslovakia, etc., were created in Europe. Sir Sayyid Ahmad Khan was the first Muslim leader who had stated dozens of years ago that the Muslims were a separate nation. This principle was followed by almost all Muslim leaders, such as Syed Ameer Ali, Sir Muhammad Iqbal, Sir Salimullah, and the Quaid-e-Azam. The Quaid-e-Azam declared: "We the Muslims of the Indian subcontinent are a separate nation with our distinctive culture and civilisation, language and literature, art and architecture, name and nomenclature, senses of value and

proportion, legal laws and moral codes, customs and calendar, history and tradition, aptitude and ambitions—in short, we have our own distinctive outlook on life and of life. By all canons of international law we are a nation." He also said: "India would be found to contain only two outstanding communities—the Hindu and the Muslim —which can rightly be called two nations." On the basis of the Two-Nation theory the historic Resolution of Pakistan was passed on 23 March 1940 by the All-India Muslim League at its Lahore Session. The Pakistan Resolution insisted on the acceptance of the principle of division of the country. The Muslim majority areas were to be autonomous and sovereign. Pakistan became the keystone of the ideological arch of the Muslim League after 1940. The idea met opposition from many quarters, but the Muslim League asserted its determination to achieve the idea of Pakistan at all costs as the Quaid-e-Azam made it clear that the Muslims, if they remained as a minority in India, could never hope to form their own Government, and this practically amounted to a perpetual thraldom under the Hindus, who were manifestly very hostile to the Muslims. If they were not given an independent homeland, their interests would continually be ignored, and their rights for ever jeopardised.

The August Offer (1940)

The August Offer was in the form of a statement made by the Viceroy on behalf of the British Government and published on 1 August 1940. The Congress President, Maulana Azad, rejected the August Offer. The Muslim League's attitude was different. According to them, the Offer met the League's demand "for a clear assurance to the effect that no future constitution, interim or final, should be adopted by the British Government without their approval and consent." Nothing came out of this August Offer on account of the attitude of the Congress.

The Cripps Mission (1942)

The deadlock in Indian politics continued. During this period, the Second World War was in progress. In December 1941, Japan

joined the War against the U.S.A. and Great Britain. The Japanese armies advanced swiftly in all the South-East Asian countries. The tide of their conquest rolled at a tremendous pace towards Burma and India. World opinion began to work in favour of India. In an effort to secure support and co-operation of the Indian people, the British Government sent, in 1942, Sir Stafford Cripps to negotiate with the Indian leaders. Mr. Cripps made, on behalf of the British Government, a declaration of proposals.

The proposals were that immediately after the cessation of hostilities, steps would be taken to set up in India a Constituent Assembly to frame a constitution for the country. The right of any province to stay out of the proposed Indian Union was also conceded and they were allowed to have their own constitution singly or group themselves in a separate Union Government having the same status as that of the Indian Union.

The Congress rejected this scheme because it demanded British abdication first and Constitutional Settlement afterwards. The Muslim League also rejected it because it did not explicitly concede their demand, i.e. Pakistan. The Congress slogan was "Quit India"; the League's demand was "Divide and Quit".

Rajagopalacharia Formula (March 1944)

After the failure of the Cripps Mission, there was a lot of discontentment in the country. Mr. Rajagopalacharia, a Congress leader, put forward his formula to solve the deadlock prevailing in the country. He succeeded in bringing about Jinnah-Gandhi parleys in 1944, but Gandhi pointed out that he found "no parallel in history for a body of converts and their descendants claiming to be a nation apart from the parent stock." Mr. Gandhi refused to accept the Muslims of India as a nation distinct from the rest of the inhabitants of India and thus no agreement could be reached.

Desai-Liaquat Formula (1945)

Mr. Bhulabhai Desai, leader of the Congress Party in the Central Legislative Assembly, tried to solve the deadlock. This

ultimately resulted in the Desai-Liaquat Formula of January 1945. However, in spite of the honest efforts of Desai and Liaquat Ali, no settlement could be reached between the Congress and the Muslim League.

Simla Conference—Wavell Plan (1945)

The war against Germany came to an end in May 1945. Lord Wavell, the Viceroy of India, was instructed by the British Government to convene a conference of the important political leaders of India. He convened the conference at Simla and offered to fill all the posts of his Executive Council with the Indians except that of the Commander-in-Chief. He asked the Congress and the Muslim League to nominate their representatives. The Muslim League claimed to be the only party which represented the Muslims of India, hence the right of nominating all the Muslim members of the Viceroy's Executive Council vested in it. The A.I.C.C. and the Unionists objected to it. Each of these two parties demanded a seat for it from the Muslim quota. The conference failed.

The Cabinet Mission Plan (1946)

The British Government, in 1946, decided to send a Parliamentary Delegation composed of three members of Mr. Attlee's Cabinet to India to discuss matters on the spot. The delegation was composed of Lord Pethic-Lawrence, Sir Stafford Cripps, and Lord A.V. Alexander. The delegation reached India in March 1946 and had prolonged negotiations with the Indian leaders, but nothing substantial came out of them. The Cabinet Mission then, in May 1946, presented its own proposals. The proposals were as follows:

1. There should be a Union of India, embracing both British India and States, which should deal with the following subjects: Foreign Affairs, Defence and Communications, and should have the powers necessary to raise the finances required for the above subjects.
2. The Union should have an Executive and a Legislature

1

The Ideology of Pakistan

"Let there be light," said Allah, and there was light.

That light came in the form of Lahore Resolution of the All-India Muslim League adopted in March 1940. That Resolution launched the Muslim nation on the road to Pakistan which meant freedom from the British rule and Hindu dominance.

The Muslim leaders had been trying very sincerely to make the Hindu leaders feel their aspirations and misgivings. They impressed upon those Hindus who meant something in political and social sphere that the Muslims loved freedom more than any other nation of the world but they wanted some assurances on behalf of their bigger partners—bigger in respect of numbers. But the Hindus would not listen. They subscribed to the Western ideas of democracy and knew that, by virtue of being in great majority, they were bound to rule all other communities inhabiting the Indian subcontinent. How could the Muslims accept that position? They felt, and rightly so, that they were not a minority community. They were a nation. Hence they deserved to be treated as equal partners.

This demand of theirs was not a material ambition or a lust for power. Being co-equal, they expected that they would be in a position to preserve their religion and traditions. They being Muslims had certainly many things in them which differed from

those of the Hindus. First of all was religion. The Muslims worshipped one God and believed in the Prophethood of Muhammad (may peace be on him), while the Hindus had no specific one idea or expression of belief. If one Hindu worshipped idols, the other did not believe in that sort of worship. Similarly, if one Hindu believed in the Vedas as revealed books, the other thought quite differently. Their religion depended on some observances such as Janam Ashtami, burning the dead and sanctifying the cow, etc. It is obvious that a nation with such confused ideas of religion could not be clear and straightforward in their mundane affairs as well. They had a certain way of life conditioned by the geographical necessities and Brahmanic scruples. Their way of life had at least one pronounced feature and it was the belief that those who had any other way of life were polluted, *malechh* and worthy of contempt.

On the other hand, the Muslims had their very distinctive traditions. Therefore the two could not unite and fuse into a single nation. It is clear that the Muslims were not bound by the geography and social conditions of the Indian subcontinent. They were a nation as well as a *Millat*. In view of their latter position they belonged to the whole world. They had their brethren in every country, especially Afghanistan, Central Asia, Iran, Turkey, Arabia, Africa, and Indonesia. They believed that on account of being a part of an international *Millat* they were more important than the Hindus The Hindus were superior in numbers while the Muslims were superior in ideas. There were in the real sense of the word "two nations" inhabiting the subcontinent.

The Quaid-e-Azam was not the first Indian Muslim who propounded this theory. This theory is as old as the first entry of the Muslims into the subcontinent. Al-Beruni and Ibn Battuta who visited India during the Ghaznawi and Tughlaq periods respectively stand reliable witnesses to the fact. Yet the Muslims did not demand a separate homeland from the very beginning of their political parleys with the Hindus. They had tasted of the narrow-mindedness of the Hindus no doubt. They had seen that the

Hindus had joined hands with the White rulers for the destruction of their (Muslims') national importance. The English came to the subcontinent as traders and saw the Muslim grandeur. And when they aspired to become a political power they found that it was the Muslims who opposed them most. Hence when the foreign traders became the rulers, the Hindus played traitors to their countrymen, and the foreigners with their help tried their best to crush the self-respect of the Muslims. The English rulers saw that the Muslims bore their plight patiently and were not accepting the English supremacy willingly. The Muslims shunned their culture. They kept aloof from the modern education. They lagged behind. It was but natural. But in respect of the love for freedom they were still the precursors. They started the "Jehad movement" under the leadership of Sayyid Ahmad Shaheed. They failed, but they did not accept the defeat for good. They made a desperate effort in 1857 to oust the British rulers, with the support of their Hindu countrymen no doubt. They again failed. The Hindu partners, in revolt against the British rulers, dipped into the holy waters of the Ganges and came out innocents. The Muslims had to bear the brunt of retribution at the hands of the revengeful Whites single-handed. The Hindus had again become a tool in the hands of the foreigners in their effort to crush the Muslims. The result was that the reins of political, administrative, educational, and economic power became to be shared by the Hindus which means the Whites and the Banias made the life of the Muslims miserable.

Even then the Muslims wished to co-operate with the Hindus in the freedom movement and they did so in spite of express warnings issued by wise persons like Sir Sayyid Ahmad Khan. But the basic difference could not be overlooked and the Muslims went on trying to get at certain safeguards. The Hindu leadership did not show any desire to allay the fears of their countrymen. They knew they were in a sound position. Their numbers entitled them to rule if and when the freedom dawned on the subcontinent. In reality, they were drunk with numerical strength, hence

they won't listen. Power has no ears.

It goes without saying that the Muslims too on their part were steadfast in their demand for safeguards before the transfer of power in the subcontinent. They tried their wits at the meetings with the Hindu leaders as well as the British rulers. From the time of Sir Sayyid on they were not silent in respect of the preservation of their national entity and their proportionate right in every sphere of the country's life. And since 1906 they began pressing the point of separate representation for the Muslims which ultimately led them to their destination, i.e. Pakistan. The British rulers by and by accepted the Muslims' demands. After all they were not a negligible minority. They had withstood the test of time and now again they were dauntless.

The late Pandit Nehru described in his *Discovery of India* the drifting away of the Muslim leaders from the A I.C.C., among them the Quaid-e-Azam, Maulana Muhammad Ali, and others. But he did not explain the cause of their drifting away. The only cause was the vacillation of the Hindu Congress in respect of the safeguards for the Muslims. The Hindu Congress always sang the discouraging song "Possession first, Distribution afterwards". How could the Muslims then co-operate with them? That would have amounted to unconditional surrender to an ill-intentioned comrade-in-arms. Well, if no safeguards for the preservation of the Muslims as a distinct nation with the administrative framework of United India, then there was no other line of action except that of an effort for the creation of a separate homeland.

The Quaid-e-Azam had resigned from the Congress in 1921 but in spite of it he went on trying for an honourable settlement with the leaders of that organisation. He had been working for the Hindu-Muslim unity for years at a stretch and hence could not traverse the pathway to separation easily. The other leaders also were in the same position. But a seer arose from amongst the Muslim leaders who spoke for the separate homeland in express terms at the annual session of the All-India Muslim League held at Allahabad in 1930. He was Allama Sir Muhammad

Iqbal. He gave vent to the sentiments of the Muslim masses in unequivocal terms and observed that at least the amalgamation of the North-Western Provinces of the subcontinent where the Muslims were in majority seemed to be the destiny of the Muslims of India. Afterwards in this letters to the Quaid-e-Azam, Allama Iqbal also mentioned Bengal with other Muslim majority provinces.

The suggestion was received with mixed feelings by the leaders of the Muslim parties as well as those of the Congress. In some quarters it was just a brain-wave of a poet. In some other quarters the idea was fantastic. The things went on. The Hindus were steadfast in their maltreatment of the Muslims. When they succeeded in having the reins of the government of seven provinces in their hands, the cat of their nationalism was out of the bag. They in their sphere of influence denied the Muslims their rights in different fields of life. Urdu was discouraged even in U.P., the home of that language. They introduced Bande Matram prayers in schools and the Muslim children were compelled to recite the same. The separate educational institutions of the Muslims began to be interfered with—this and other transgressions were perpetrated on the Muslims under the rights given by the Act of 1935. They were not independent. They were still on the pathway to independence. Yet they could not observe patience. Their narrowmindedness exposed their intentions before time. It was obvious that they were out to crush the Muslims as a distinct entity, and this is why the Muslims all over India observed the Day of Deliverance when the Congress ministries resigned in the end of the year 1939. Hence the Lahore Resolution, the Guiding Star: the Light. Now the die was cast and there was no going back. This resolution read:

"Resolved that it is the considered view of this Session of All-India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principles, viz. that geographically contiguous units are demarcated into regions which should be so constituted, with such territorial readjustments as may be neces-

sary, that the areas in which the Muslims are numerically in a majority as in the North-Western and Eastern zones of India should be grouped to constitute 'Independent States' in which the constituent units shall be autonomous and sovereign.

"That adequate and mandatory safeguards should be specifically provided in the constitution for minorities in these units and in the regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them and in other parts of India where the Mussalmans are in a minority, adequate, effective and mandatory safeguards shall be specifically provided in the constitution for them and other minorities for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them."

The Resolution speaks for its justification and very briefly explains the Ideology of Pakistan, a homeland where the Muslims should be free to lead their lives according to the canons of Islam and be in a position to preserve their traditions bequeathed to them by the glorious history of their forefathers in the subcontinent and out of the subcontinent. Till the Lahore Resolution the Muslims of the subcontinent, although always in action, were like those who were groping in the dark. This Resolution gave them a clear base of action. And they were fortunate enough that at this stage they had a leader in the Quaid-e-Azam who was steadfast, honest, daring, faithful, foresighted, and wide awake, who believed that Pakistan was nothing less than the will of God and that will was certainly going to be fulfilled. No obstacle, whether it was the Hindu tenaciousness or the British self-interest, could stand in its way.

One thing more to be kept in mind is the aspiration of the Muslim nations of the world to get united in as many respects as possible. This idea was also an underlying force propelling the Muslims of the subcontinent to be free and get linked with their international brotherhood. For Iqbal and the Quaid-e-Azam, Pakistan was not an end in itself but it was a stepping stone towards the united states of the Muslims of the world.

The Pakistanis subscribe to this idea. They are working for it. They champion the cause of every Muslim country as

their own. It behoves them because in the age of materialism and racial-cum-geographical nationalism the Pakistanis created an independent homeland for the sake of Islam and by virtue of Islam. Hence it is their first and foremost duty to work for the solidarity of all the Muslim states of the world and try to bring them nearer to each other. The others, sometimes, may have some apprehensions in this respect but the Pakistanis are clear, steadfast and hopeful.

2

The Constitutional History of Indo-Pakistan

1906—1947

In 1905, the province of Bengal was partitioned by Lord Curzon, the then Viceroy of India. With the three divisions of Chittagong, Dacca, Rajshahi along with Assam, a new province known as Eastern Bengal was formed. The Muslims were very happy over the partition, but it made the Hindus of Calcutta uneasy. The Indian National Congress made the partition an all-India issue and started a vigorous agitation to annul it. The Muslims greatly felt the Hindu opposition to the partition of Bengal. To safeguard their interests, the Muslims took two steps. Firstly in 1906, a deputation, led by the late Sir Agha Khan, met Lord Minto and put forward their claims for separate electorates and weightage of seats for the proper representation of the community. Lord Minto acceded to this request and included it in the Minto-Morley Reforms of 1909. Secondly, in the same year, i.e. in 1906, Nawab Waqarul Mulk and the Nawab of Dacca called a meeting of Muslim leaders in Dacca and a political party named the "Muslim League" was formed. By and by the Muslim League became a representative body of the Muslims.

The Minto-Morley Reforms

In December 1906 Lord Morley introduced his famous Bill in the House of Lords. The Bill was passed in 1909 as the Indian Councils Act. The reforms brought about by the Act are known

constituted from British India and states representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.

3. All subjects other than the Union subjects and all residuary powers vest in the provinces.
4. The states will retain all subjects and powers other than those ceded to the Union.
5. Provinces should be free to form groups with executive and legislatures, and each group could determine the provincial subjects to be taken in common.
6. The Constitution of the Union and of the group should contain a provision whereby any province could, by a majority vote of its Legislative Assembly, call for a reconsideration of the terms of the constitution after an initial period of ten years, and at ten yearly intervals thereafter.

As regards the constitution-making machinery, it was provided that the Legislative Assembly of a province would elect the members of that body on the basis of one representative for one million of the population. The Sikh and Muslim legislators were to elect the quota of their communities determined on the population basis. Others were to elect the representatives for the rest of the population. The provinces of India were given the power to opt out of the groups by a decision of their legislatures after the general elections under the new constitution.

7. The British suzerainty over the Indian states was to come to an end, as, according to the Declaration of the Cabinet Mission, with the attainment of independence by the British India, whether inside or outside the British Commonwealth, the relationship that existed between the Crown and the Indian states was no longer possible and was therefore to lapse with the lapse of the suzerainty of the Crown.

8. An Interim Government with the support of the major political parties representing major communities would be set up in India.

The Muslim League accepted this plan, on 6 June 1946, hoping that it would ultimately result in the establishment of Pakistan. Congress agreement followed on 26 June.

On 16 July invitations were issued to Indian leaders to form an Interim Government consisting of five nominees each of Congress and Muslim League and four representatives of other parties and interests. Within a few days the attitude of the Congress changed and it refused to join the Interim Government.

On 16 June the Viceroy had intimated the parties concerned that in the event of the two main parties or either of them refusing to join the Executive Council, he would proceed with the formation of as representative a Government as possible from those who were willing to accept the Mission's Plan. As the League had not refused co-operation, it was expected that the Quaid-e-Azam would nominate a Government, but Lord Wavell felt it in his interest to shelve the plan, and a Caretaker Government, composed of Government officials, was sworn in.

Bombay Resolution

Resort to Direct Action. Holding that it had been betrayed, the Muslim League under the leadership of the Quaid-e Azam reconsidered the situation, rejected the Plan, and demanded sovereign Pakistan. It was declared at Bombay that the time had come for the Muslim League to resort to direct action to achieve Pakistan. The 16th of August, 1946, was fixed as the Direct Action Day. On that day Hindu-Muslim riots took place resulting in great loss of life and property in Calcutta.

After the elections to the Constituent Assembly the Congress agreed to join the Interim Government and Pandit Nehru was invited by the Viceroy to form the Interim Government. In October 1946, a five-man Muslim League group, under the leadership of Quaid-e-Millat Liaquat Ali Khan, also joined the Cabinet,

As there was no cohesion in the Cabinet, hurdles were to be faced at every step and no useful work was possible.

On 20 January 1947, Mr. Attley, the then Prime Minister of England, made the important announcement that, by June 1948, British India would be given independence, either as a whole, or in parts, whichever would better serve the interests of the Indians.

The Mountbatten Plan of June 1947

In March 1947 the last Viceroy, Lord Mountbatten, came to India. He studied the problems and rightly thought that to solve the political tangle in the subcontinent, the demand of the Muslims for Pakistan had to be accepted. There was no other alternative. It was then that, after consultations with the British Government, he announced on 3 June the scheme for the partition of the subcontinent. The Muslim League accepted Mountbatten Plan of 3 June on 9 June and the All-India Congress on 15 June 1947.

As a result of this Plan, Bengal and the Punjab were partitioned and the boundaries were defined by a Judicial Commission presided over by Mr. Cyril Radcliff. The district of Sylhet decided to join East Bengal, and the referendum in N.-W.F.P. favoured its accession to Pakistan.

The Indian Independence Act, 1947

On 18 July 1947, the British Parliament enacted the Indian Independence Act, 1947, to give effect to the 3 June Plan of Lord Mountbatten. The Act terminated British authority over India, set up two independent Dominions, each with full authority to make any constitution it pleased. Both the Dominions were given full powers and the right to leave the British Commonwealth of Nations if they so pleased.

The Indian Independence Act of 1947 was a landmark in the Anglo-Indian relations. It marked the ending of the British rule in India. It was a recognition of the right of the Indians to be free. It divided India into two parts—BHARAT and PAKISTAN. On 14 August 1947, Pakistan was no longer a vision but a reality.

14.8.47

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The Foreign Policy of Pakistan

The Foreign Policy of a country is the product of the interaction of many factors—historical, cultural, ideological, economic, and geopolitical. These factors determine the country's outlook on world affairs. Their order of priorities continues to change with the new developments in world politics. Foreign policy cannot be a static process. It is always adapting itself to the changed circumstances, but its fundamental principles do not change. Borrowing words from Lord Palmerston, "In international relations there can be no eternal friends nor can there be eternal enemies. The only thing eternal is the national interest." Pakistan believes that there can be no eternal enemy but at the same time she believes that there can be eternal friendship if it is based on honesty, sincerety, and fairplay. No doubt national interest is always supreme and cannot be sacrificed.

Robert Schuman, a former Prime Minister of France, said that since 1871, the French Foreign Policy has been continuously dominated by one main preoccupation: that of ensuring her security and independence from her neighbour, Germany. This is equally true about Pakistan. The main preoccupation of Pakistan from the very beginning had been to ensure her security from India. It is a fact that India has never been reconciled to the existence of Pakistan. On the other hand, Kashmir is also the bone of contention between the two countries. Pakistan feels it her moral duty to support the right of self-determination of

the Kashmiris who had been enslaved by India. The foreign policy of Pakistan, therefore, has always been determined by these two factors. Pakistan joined defence alliances sponsored by Western countries because she expected that they would help her in solving the Kashmir tangle and ward off aggression from any quarter. But they wanted to use Pakistan as an instrument of their global strategy. When her hopes were not fulfilled, she had to ponder over her external policy. There can be no eternal friends in international relations if the fundamental principles of friendship are not observed. National interest is always supreme. The foreign policy of Pakistan had to be reshaped in the light of previous experience and new developments.

Objectives

The first objective of our foreign policy is the integrity of the country. This is common to all states. The integrity of Pakistan is closely linked with Kashmir. Kashmir is the life and blood of our country. Persistent efforts of our leaders have failed to persuade Indian leaders to restore the right of self-determination to Kashmiris. On the other hand, India is spending huge amounts of money on defence. Pakistan, therefore, has to seek security against possible Indian aggression. The foreign policy of Pakistan should, at the same time, be such as to secure the support of other nations for Kashmir.

The second objective of our foreign policy is provided by the ideology of Pakistan. In the words of late Liaquat Ali Khan, "Pakistan came into being as a result of the urge felt by the Muslims of this subcontinent to secure a territory where the Islamic ideology and way of life could be practised. It is, therefore, part of the mission which Pakistan has set before itself to do everything in its power to promote closer fellowship and co-operation between Muslim countries." Even before the coming into being of Pakistan, the Muslims of the Indo-Pakistan subcontinent have always supported the cause of Muslim states. Whenever any misfortune befell on Muslims in any part of the world, our hearts bled. After the establishment of Pakistan, she has to play an

important part in the liberation struggle of other Muslim countries. No doubt, the leaders of Pakistan tried to bring Muslim countries closer but their endeavours did not meet with much success. The third objective of Pakistan's foreign policy is to raise the living standard of the people. The average income of a Pakistani is only eight dollars monthly as compared to six dollars per day in the developed countries. Our Government will have to make great efforts for bringing an improvement in the living standard of the people.

The underlying principle of Pakistan's foreign policy is to promote international peace and goodwill and to foster constructive co-operation between the countries of the world. Pakistan believes in the principle of honesty and fairplay both in national and international dealings, the principle of self-determination of peoples, and respect for basic human rights. Borrowing words from the first Governor-General of Pakistan, Mr. Jinnah, "we want friendship with all nations of the world and want no enmity with any". The entire edifice of Pakistan's foreign policy is founded on this principle.

Pakistan's Relations with Other Countries

Kashmir and fear of Indian aggression has always been the cornerstone of Pakistan's foreign policy. It is a fact that India has not yet reconciled with the emergence of Pakistan. This fear has been further strengthened by the September (1965) War. Congress leaders had thought that Pakistan would collapse sooner or later. They left no stone unturned to cripple the establishment of Pakistan. The Indian Government stopped canal water and encouraged the "Pukhtunistan" movement just after the achievement of Pakistan. All this was not an isolated expedient but a deep conspiracy to undermine the foundation of this newly-born state. On the other hand, India invaded Junagadh and entered into Kashmir violating all principles of justice and honesty. Communal riots and pushing refugees into Pakistan was another shade of India's policy towards Pakistan. But even then Mr. Jinnah

sent a message of goodwill to the Indian Government, and advised Indian leaders to bury the hatchet. But Congress leaders did not change their attitude and continued their sabotaging activities in East Pakistan. In these circumstances, Pakistan had to search friends to neutralise the growing military strength of India. The fear of Indian aggression led her to join defence pacts—SEATO and CENTO. When Pakistan joined these pacts, India started a campaign of propaganda against Pakistan. India was successful in proving Pakistan as an American satellite. As the same time, this campaign helped her to isolate Pakistan from the Muslim countries. During this period, India asserted her neutrality, played host to heads of many Muslim states and extended her hand towards Russia. From among Muslim countries, she had established close relations with Indonesia and Egypt exploiting their dislike for these military pacts with the West. Pakistan was completely out of touch with Soviet Russia and other Communist countries. Liaquat Ali Khan had even preferred to visit U.S.A. than to accept the Russian invitation. On the other side, Nehru paid visit to Russia and established friendly relations with China. The result was that Russia not only recognised Indian occupation of Kashmir but also used veto against Pakistan in the Security Council. It came out later on that India had also joined the military pact with the U.S A. but for the time being she was able to play the double game by adopting the tactics of secret diplomacy. Meanwhile Pakistan had earned the hostility of the Communist *bloc* and had isolated herself from the camp of Asian nations.

In 1958, President Ayub took over the country. During Tibetan crisis in 1959, President Ayub made an offer of Joint Defence to India. Nehru's response to this gesture was disappointing. The refusal of India went a long way in driving Pakistan into the arms of China. Pakistan turned to China and decided to demarcate the border through friendly negotiations. Pakistan signed a border accord with China in 1963. During Sino-Indian War, Pakistan kept strict neutrality. After this conflict, India

magnified the fear of Chinese attack to get massive aid from the West. Massive military aid to India disillusioned Pakistan with her Western allies. Pakistan had realised that American arms would be used against her. She protested to her allies but they turned deaf ears. On the other hand, Pakistan had expected that her Western allies would help her in solving the Kashmir problem. But her hopes had been frustrated. Naturally she had to revise her foreign policy.

Pakistan's fear that American aid to India would disturb the balance of power came out to be true, when, in September 1965, India attacked Pakistan and used the military arms against us which were to be used against China. It seemed that India was waiting for an occasion to invade Pakistan. Now that she had built up her defence and collected sufficient arms, she attacked Pakistan. The United Nations intervened and the cease-fire was agreed by both the states. Then Russia offered her good offices to mediate between India and Pakistan which were accepted. The President of Pakistan and the Prime Minister of India visited Russia in January 1966 were the Tashkent Declaration was signed by both the heads of states. The armies were withdrawn to the previous positions and diplomatic relations were rehabilitated. Now relations between both the states are normal but situation along borders remains explosive. Pakistan has attached certain expectations with the Tashkent Declaration but, it seems, they would prove to be futile. The President has clearly stated many times that there can be no friendship with India until the Kashmir problem is solved.

Pakistan is an ideological state. The ideology of Pakistan is based on Islam. One of the objectives of Pakistan's foreign policy was to promote brotherly relations with Muslim countries. But the efforts of our Government did not bear the desired results. On the other hand, she could not join hands with the Communist *bloc* because of her ideology. In the present world, no country can live in isolation. Pakistan had to search friends who could ensure her security. All these factors led Pakistan to join the Western *bloc.*

Mr. Liaquat Ali Khan was invited by U.S.S.R. as well as by U.S.A., and he preferred to visit U.S.A. Pakistan, from the very beginning, tried to establish friendly relations with the West. Our relations with the U.S.A. were guided by two principles. Firstly, U.S.A. is one of the biggest powers of the world. The pattern of our relations with U.S.A. was not likely to affect our role and relations with other countries. Secondly, U.S.A. was in a position to contribute a lot to our economic development and ultimately to our national security. On the other hand, U.S.A. also wanted to establish cordial relations with Pakistan because it was in accordance with her global policy to contain Communism.

Mr. Liaquat Ali Khan visited U.S.A. in 1950 but he did not indicate even the slightest desire to enter into any defence pact or treaty. He believed in strict neutrality. During his tour, he emphasised that Pakistan desired peace; Pakistan needed economic aid for her development and above all military aid to ward off aggression from India. But Mr. Liaquat Ali Khan did not like to have any type of aid at the cost of Pakistan's independent foreign policy.

The same policy was pursued by Khwaja Nazim-ud-Din. Although the clouds of economic depression were appearing on the horizon of our country, yet Khwaja Sahib pursued an independent foreign policy and did not align his Government with one side or the other.

It was only during the time of Mr. Muhammad Ali Bogra that Pakistan turned to West completely. He was very much impressed by the economic progress of U.S.A. It is said that even his choice as Prime Minister was inspired by some Western country. He wanted food which was supplied very soon.

It is said that Pakistan was disillusioned with the Muslim countries and, at the same time, the country was facing a challenge to her security and economic depression. Pakistan, therefore, was compelled to lean towards the West. But the question is: was the fear of foreign aggression and the challenge of economic depression more serious than it was from 1947 to 1954? It seemed that

Pakistan's entry into SEATO and CENTO was more in accordance with the personal desires of the people at the helm of affairs than due to the fear of foreign aggression or economic depression. Anyway, it was realised that neutrality does not suit us. Ideology was subordinated to national interests. Pakistan joined SEATO in September 1954. No amount of argument could persuade the sponsoring powers to agree to a provision in the treaty that its signatories would defend aggression from any quarter. From aggression, only Communist aggression was meant. Pakistan got some economic and military aid under SEATO. From now onward, Pakistan was moving closer to the Western *bloc*, particularly to U.S.A.

Then Pakistan joined the Baghdad Pact which is now known as CENTO. This pact was better than the previous one because its members pledged to help each other to meet aggression from any quarter.

No doubt, Pakistan was a member of both the pacts but the fact remains that there was a basic conflict of motives among the allies. The Western powers only wanted to use Pakistan against Communism in Asia, while Pakistan had expected that her powerful allies would help her in solving the Kashmir tangle.

The same pro-West policy was pursued by all the Prime Ministers from Muhammad Ali Bogra to Suhrawardy. Mr. Suhrawardy went a step further. His view was that "if Pakistan was attacked by India, he would appeal to her SEATO and Baghdad Pact partners". The reaction was that London and Washington refuted any such commitment in clear terms.

During the Suez crisis, great damage was done to the prestige of Pakistan due to the foreign policy pursued by Suhrawardy. We always supported the cause of the Arabs in respect of Palestine, Libya, Morocco, and Algeria, but due to Suhrawardy's policy, all our previous support for their cause became insignificant.

As a result, we lost our initiative in world affairs. The state of affairs deteriorated to the extent that the Western powers started interfering in the internal politics of our country. The

Arab world was suspicious, Russia was supporting Afghanistan and India on all fronts against Pakistan. Russia even exercised veto in favour of India. In 1960, the U-2 incident further damaged the prestige of our country. Khruschev even threatened Pakistan with nuclear destruction.

Now the leaders of Pakistan started realising that they had alienated Russia and China—the two giant neighbours. On the other hand, India was receiving massive military aid from the Western countries. Naturally, Pakistan was perturbed over it because strong India was a much greater menace to her security than international Communism. Moreover, the developments in the military technology have also reduced the valve of military alliances. All these factors led Pakistan to make a reappraisal of her foreign policy. This process, which started in 1960, had crystallised towards the end of 1961. Now Pakistan was decreasing her dependence on her Western allies. Our relations with the Socialist *bloc* were improving. We approached the other *bloc* for technical assistance. For this purpose, Pakistan signed an oil agreement with Russia and also extended her friendly hand towards Communist China.

In 1962, war burst out between China and India in which the Indian army was defeated. Mr. Nehru threw away his cloak of non-alignment and extended her hand towards the Western powers for aid. The U.S.A. immediately sanctioned a $120 million aid for India. Great Britain also promised help against China.

Meanwhile Pakistan and China were coming closer to each other. They have already demarcated their borders, which was not liked by the Western allies. Trade pacts were signed. Exchanges between the two countries became frequent. China even offered a loan of sixty million dollars free of interest.

Then the historic visits of President Ayub to Peking and Moscow have also strengthened our growing relations with these countries. The support which China extended to us during the September War has left indelible prints on our memories and would further cement our relations with China. On the other

hand, Pakistan has also given friendly gestures to Russia by accepting her good offices resulting in the Tashkent Declaration. President Ayub paid a visit to U.S.S.R. in September 1967. It was his third visit to Russia. The state reports that U.S.S.R. understood Pakistan's problems. But there was hardly anything encouraging in the speeches from both sides. Kosygin's advice regarding Kashmir solution was quite meaningless. He was of the view that Pakistan inherited this problem from colonial times and the best way for the parties was to solve it themselves. "We invariably proceed," remarked Kosygin, "from the fact that the world powers should not and must not impose their will on other people."

The people of Pakistan had attached some expectations with U.S.S.R. due to the role played by her during September War of 1965. The U.S.S.R. was morally bound by Tashkent Declaration to exert herself to solve Kashmir problem. But now her attitude is a complete damper for the hopes entertained by Pakistani people.

The U.S.S.R. has contented itself with playing a secondary role to U.S.A. in the world affairs. History at the present juncture is offering to Russia the opportunity of earning the goodwill of a large area of Afro-Asian world but she does not seem to be interested in it.

Our relations with all other Socialist countries are also improving. All these developments are not liked by our Western allies, but our Government is determined to follow an independent foreign policy. She has also made it clear that she would accept aid without strings. Last year, the U.S.A. decided to stop military aid to India and Pakisan. But economic aid for Pakistan has been sanctioned and is expected soon. Let us hope, this aid is without strings.

Pakistan's relations with the Middle East countries have been based essentially on its firm adherence to Islamic ideology and the promotion of fraternal relations with Muslim countries. Apart from Saudi Arabia, which being the sanctuary for the Muslims has a place of special affection, other Middle East coun-

tries like Jordan, Iraq, Syria, and Lebanon all have had very cordial relations with Pakistan. Pakistan has been consistently seeking to extend these ties and to strengthen them. The peculiar circumstances prevailing in the Middle East, however, have prevented the development of a close alliance of Pakistan with Muslim countries of the Middle East. Pakistan joined the Baghdad Pact with the hope that, eventually, it would evolve into an essentially Muslim alliance. But only Iraq from the Middle East joined this Pact, and the equivocal attitude of the U.S.A. and determined opposition by Egypt forced the signatory nations to reconsider their position. The formation of SEATO alliance, though it was different in concept, could not take away the reservation which the Arabs have always felt while dealing with Western powers, the creators of Israel. While Pakistan's determined and consistent advocacy of the cause of the Palestinian Muslims produced very favourable atmosphere in the Arab world, the political weakness and internal schisms among the Arabs prevented the formation of a solid *bloc* of Muslim countries acting in concert for their mutual benefit. Iraq left the Baghdad Pact, Syria forged unity with the U.A.R., but a revolution reversed the tide. The Qasim Revolution in Iraq assumed anti-Nasser posture, which could be reversed only after another Aref Revolution. Jordan, being small and insecure, needed Western patronage, but King Hussain has bravely succeeded in steering an independent course. In spite of an attempt at overthrow, he has survived and of late has asserted himself on the question of Arab rights in Palestine. Syria, Iraq, and Jordan have extended their support to Pakistan on the Kashmir issue and Jordan took a courageous stand in the Security Council at the issue of Indo-Pak War of September 1965.

With the U.A.R. Pakistan's relations have remainded cool, mostly because of the sensitiveness shown by Nasser Government over some of the pronouncements of Mr. Suhrawardy during the Suez crisis. In spite of the overwhelming sentiments of the people of Pakistan in favour of their Egyptian brethern, the stand of

Pakistan Government, in the beginning of the Suez crisis, was equivocal. Later events and the popular demonstration in Pakistan in favour of Egypt mollified the situation a little bit, but the disillusionment remained. When President Ayub assumed power in 1958, he earnestly desired to put the relations of the two countries on a mutually satisfactory basis, and he succeeded. In a forthright speech in a public reception in the U.A.R., he answered President Nasser's allusions to policies followed by Suhrawardy Government and speaking frankly pointed out to the U.A.R. leaders their own policies. He pointedly asked whether the U.A.R. had supported Pakistan on Kashmir. Certainly, the record of Pakistan in support of the Arab cause is much more clear and forthright than the equivocal stand and, at times, apathy shown by U.A.R. for Pakistan in the case of Kashmir. However, as a result of intimate contacts, the recent attitude of Nasser Government has been much better. With India's standing as the leading non-aligned country in Asia having perished, the U.A.R. now feels more sympathetic towards Pakistan. In the September War in 1965, the U.A.R. Government adopted a neutral posture, while the public sentiment was decidedly pro-Pakistan. The exchange of visits by President Nasser and Ayub have further helped this process. Another important factor contributory to this development has been the failure of India to further the non-aligned movement started by Nehru. With the acceptance of American military aid, and its tacit support of American policies, India has lost its neutralist posture. Pakistan's foreign policy, on the other hand, despite her continued membership of SEATO and CENTO, has decidedly moved towards neutralism and balanced approach to the Great Powers. With better appreciation of these trends in Pakistan, the U.A R. has come closer.

During the Middle East crisis of 1967, Pakistan gave full support to Arab countries. President Ayub also promised aid to these countries for which the leaders of Arab countries expressed their thanks. Pakistan-sponsored resolution, calling upon Israel not to proceed with the annexation of the holy city of Jerusalem,

was the only redeeming feature of the General Assembly. People of Pakistan showed great enthusiasm during this period of crisis and collected money which was sent to these countries. Demonstrations took place to condemn Israel and the powers behind her.

The support rendered by the Government and the people of Pakistan has greatly increased the popularity of this country in the Arab world. Pakistan's unstinted support for the Arab cause was highlighted with the visit of two dignatories from the Arab world in September 1967. The visitors were King Hussain of Jordan and Mr. Mahmoud Fawzi, President Nasser's special envoy and adviser on foreign affairs. Shah Hussain again paid a visit to Pakistan in early 1968. These friendly visits have resulted in increasing goodwill between Pakistan, U.A.R. and Jordan.

It is, however, clear that the Government of U.A.R. is not still prepared to deal with Pakistan as a Muslim state. She considers Pakistan as a friendly state like other friendly states. When some reporter of a newspaper asked Mr. Mahmoud Fawzi if the brotherhood among the Muslims of the world had deepened after the 1967's crisis, he replied: "Brotherhood should not be limited between the Muslims alone but between all men for good purpose." It was reported that he also parried questions on the formation of an Islamic *bloc* and the utility of regional alliances like the R.C.D.

The visit of King Hussain, however, came under an atmosphere of unlimited warmth and friendship. He was given rousing welcome. President Ayub was reported to have promised all assistance to Jordan, both moral and material, in his struggle against Israel. The feelings of King Hussain were reflected from his farewell message to President Ayub. He said, "Your staunch support for us in our stand against the Zionist aggression will leave a great effect on the outcome of our rightful struggle against our enemies and in every field. I shall always and for ever remember the glorious stand of great Pakistan and its noble people in support of my country and nation."

Pakistan championed the cause of freedom for Morocco, Tunisia, and Algeria, and her stock is high in these countries. Algeria, along with Pakistan, played a pivotal role in the preparatory stages of the convening of the Second Afro-Asian Conference on the Bandung Conference pattern, but the revolutionaries in Algeria and Indonesia finished the prospects of such a conference. With Turkey and Iran, Pakistan has always had very cordial and brotherly ties. In times of Khilafat Movement in India, the Muslims expressed their heartfelt sentiments about their Turkish brethren and ever since the establishment of Pakistan these ties have been growing. Turkey is a member of SEATO like Pakistan. Pakistan has always supported the Turkish stand on Cyprus and looks upon this question with as much concern as for Kashmir. The Shah of Iran was the first head of a friendly state to pay a visit to Pakistan. Because of cultural and religious affinities and geographical proximity, these ties have remained firm.

Recently, with these two countries, Pakistan has evolved especially close relationship in the form of R.C.D., the Regional Co-operation for Development, as the organisation is known, and patterned to achieve closest harmony in economic and social policies. It is designed to co-ordinate the national policies of the three countries to their mutual benefit. Steps have already been initiated to start joint projects in industries, tele-communication, and commercial fields. A Secretariat has been established at Tehran. This organisation seems to have far-reaching implications for the region. Its success would pave the way for greater collaboration among the Muslim countries in particular. An instance of these fraternal ties was provided when Turkey and Iran came to the help of Pakistan in a big way during the September War with India.

The ties of brotherhood amongst R.C.D. countries are deepening gradually. With the combined efforts of Pakistan, Iran and Turkey, R.C.D. is flourishing and making tremendous progress. The Ramsar Summit held in July 1967 between Shahinshah of

Iran, President Ayub and Premier Suleman Demirel was of great historic significance for the relations of three countries and their attitude towards world affairs.

In this Summit political touch was given to the R.C.D. The communique issued said "that their designated representatives will meet from time to time to review political developments and to consider measures for collaboration". This gives the R.C.D a new dimension which has so far come to be regarded as an organisation for economic collaboration only. This marked another substantial step forward towards consolidating links between the three states in fields other than economic. The kind of collaboration now envisaged is greatly desirable particularly because the three countries usually see eye to eye on all problems.

Another important policy statement contained in the communique was that the three countries will continue their co-operation for security under existing agreements and arrangements. That means that the three countries are not yet ready to get rid of CENTO though it may be half dead already. That would silence for some time the continued speculation that the R.C.D. may shortly have its military teeth.

In the September War, Indonesia gave all-out support to Pakistan. The response to this momentous event was immediate and wholehearted in Indonesia whose relations with Pakistan have been placed on a very firm footing with the conclusion of an Economic and Cultural Co-operation Agreement known as E.C.C.I.P. (Economic and Cultural Co-operation between Indonesia and Pakistan). The Suharto coup of 1965 has changed the position to this extent that Indonesia has tried to normalise her relations with India as with Malaysia, but the new leadership has re-affirmed the ties with Pakistan.

Malaysia, being a Muslim country and a member of the Commonwealth, has had good relations with Pakistan. In September War, however, its representative openly sided with India, and Pakistan broke off diplomatic relations. Recently, these relations

have been resumed.

The case of Afghan-Pakistan relations has been a peculiar one—the result of Muslim struggle for freedom and autonomy in India, which was frowned at by the Hindus. After the establishment of Pakistan, Indian leaders were convinced in their minds that the new country will not be viable and will disintegrate. They succeeded in cultivating some apprehension in Afghanistan which became the only country to cast its vote against the admission of Pakistan to the United Nations. The concept of Pukhtunistan, unrealistic and legally unsustainable as it is, was fostered by Indian propaganda in spite of the fact that the Pukhtuns of the area had cast their lot with the other Muslims through a plebiscite just before the establishment of Pakistan. The recent trend in Afghan-Pakistan relations has been that of cordiality and co-operation. Afghanistan condemned the bombing of civilian population by India during September 1965 War. Trade relations have been growing and, in early 1967, the visit of King Zahir Shah to Pakistan has put the ties on a firmer footing.

Pakistan was one of the first countries to recognise the People's Republic of China soon after its establishment. Geographical proximity, historical ties, and mutual sympathies fostered these relations. In 1950, Pakistan supported the resolution for the restoration of rights of China in the General Assembly of the United Nations. In the debates on Korea, Pakistan abstained from voting against China. Indeed, Pakistan has consistently advocated the U.N. membership for China and the President declared this stand in unmistakable terms when he addressed a joint Session of the American Congress during his visit to the U.S.A.

In spite of Pakistan's alliance with America, China has always been sympathetic to her and the Chinese leaders did not take sides on the Kashmir issue even when they had close relations with India, and Nehru had raised the slogan of "Hindi-Chini Bhai Bhai". The early development of Sino-Pakistan relations had an element of foresight, because, as the events unfolded themselves,

India came to adopt an attitude of unplacable hostility to China, and the Western allies of Pakistan cooled off towards this country, because of their preference for India as a counter-balance power to China.

In the 1955 Bandung Conference, China and Pakistan played a notable role and, in spite of provocation by India and others, China showed understanding of Pakistan's membership of military pacts and the two Prime Ministers issued a statement of cordiality after talks. The Bandung Conference brought into focus the Indian bid for Asian leadership and the disillusionment of small nations of Asia. Mr. Suhrawardy as Prime Minister visited China in 1956 and the leaders announced in a joint communique their firm intention to continue and strengthen economic and cultural relations. In December 1956, Mr. Chou En Lai visited Pakistan and was given an enthusiastic welcome. The next important development in Sino-Pakistan relations came in 1961, when Pakistan and China opened negotiations for the demarcation of boundary line between the two countries. Meanwhile, India had captured Goa by force of arms. America started wooing India. On 3 May 1962, Pakistan and China concluded an agreement for demarcation of boundaries and India protested and launched a campaign against these Sino-Pakistan negotiations which, however, continued in a cordial atmosphere.

On 20 October 1962, hostilities opened on Sino-Indian frontier and Mr. Nehru ordered Indian troops to drive out the Chinese from the territory which India claimed. When the Chinese decisively hit back and India asked for and received Western military aid, Pakistan was alarmed over the massive military aid which India received from Pakistan's allies, and a new phase of Sino-Pak relations started. Both the countries were convinced of the Indian designs against them. In March 1963, the border-demarcation agreement was signed by Foreign Ministers Bhutto and Chen Yi. This agreement fixed the boundaries between the two countries and a "provisional" clause was added providing that after the settlement of Kashmir dispute the question of

boundaries between Kashmir and China may be settled by the authority inheriting sovereignty over Kashmir. The fair and mutually satisfactory agreement put Sino-Pakistan relations on a very solid footing. Since then Pakistan has taken over a bolder stand in SEATO and CENTO meetings and in the United Nations, in favour of China as a peaceful country.

In August 1963, both the countries signed an air agreement providing for commercial air service.

In September 1965, when India invaded Pakistan, China stood unreservedly on the side of Pakistan and gave full military and diplomatic support to this country in resisting aggression. The Chinese President Liu Shao Chi received tremendous ovation when he visited Pakistan in 1966, and public pronouncements of the leaders of both the countries gave evident signs of profound understanding. President Ayub's visit to China earlier in March 1965 had strengthened these relations to an enthusiastic level. He was given a grand and colourful welcome and in their talks the Chinese and Pakistani leaders reaffirmed their friendship in forceful terms. When Mr. Liu Shao Chi visited Pakistan in March 1966, he declared: "The Chinese Government firmly supports Pakistan in its righteous fight againt aggression, in defence of its national independence. The Pakistanis can rest assured that when Pakistan resolutely fights against foreign aggression, in defence of its national independence, the people of China will stand by their side. The Chinese Government and people support the righteous stand of the Pakistan Government and the just struggle of the Kashmiri people for their right of self-determination."

In the economic field too, relations have been growing. An agreement was signed on 2 June 1966 by which China would supply machinery and technical knowhow for the establishment of a heavy engineering complex in West Pakistan. A similar agreement to provide electrical equipment to East Pakistan WAPDA was also signed. A cultural and scientific agreement and one for the export of jute have also been concluded. China has also given an interest free loan to Pakistan. Recently, China promised

to provide wheat to Pakistan.

In view of the geopolitical situation in the region, these growing ties between China and Pakistan are of great importance for the peace of the world.

In 1967, Pakistan also tried to establish firm friendly relations with France and Rumania. President Ayub visited both the countries in November 1967. Direct arms deal concluded by Pakistan with France indicated that U.S.A. was losing her monopoly as the only arm supplier to Pakistan. President Ayub has always appreciated the foreign policy of General De Gaulle. "Restoration of national prestige, insistence on placing national interest over and above illusory group loyalties, recognition of the urge for independence among subjugated nations are some of the characteristics of Gaullism." France also appreciates Pakistan's stand on international questions. The communique said "that peace could not be ensured except by respecting the right of self-determination, respect for international commitments and independence of states and non-intervention in their affairs." It thus supported Pakistan's stand on Kashmir issue.

The identity of views of Rumanian and Pakistani leaders was no less evident. Besides their agreement on the Kashmir and Vietnam issues, both the leaders agreed that there should be joint Pakistan-Rumanian initiatives to further the cause of world peace. There are proposals for joint commercial ventures, technical and industrial assistance by Rumania to Pakistan in agricultural and irrigation planning.

It appears that a group of pragmatists consisting of Presidents De Gaulle, Ayub Khan and Premier Gheorghe Maurer of Rumania is emerging as vocal exponents of national policy based on self-respect, self-reliance and straightforward open diplomacy.

4

Geography of Pakistan

The geography of Pakistan will be studied under the following headings: Relief, Climate, Irrigation, Hydro-electricity, Mining, Factory Industry, Export and Import, Population, and Frontier Regions.

Relief

The major part of the area of West Pakistan consists of the Indus Plain which can be divided into six physical regions:

(1) The Northern Mountains consist of the Himalayas and the Trans-Himalayas. These mountains extend west to east from the Indus to the Brahmaputra covering a distance of 1500 miles. The height of these mountain ranges vary from 3000 feet to 20,000 feet.

The Trans-Himalayan ranges include the Karakuram Range of about 20,000 feet height with the highest peak, Godwin Austin (K-2) 28,250 feet high; and the Hindu Kush range which stretches from the high plateau of Pamir into Afghanistan. Its highest peak is Tirich Mir. These northern mountains are very important as they check the progress of winds from the Arabian Sea and cause rains. In spring and summer, when the snow melts the rivers carry water.

(2) The Western Mountains occupy the Indus Plain on the west and extend to the south of the Himalayas. These mountains are usually snow-covered. The Kabul, the Swat, and the Panjkora rivers flow between the three main ranges running south from the Hindu Kush, with the average height of 12,000 feet.

Between the Gomal and the Kurram rivers lies the Waziristan hilly area.

The Gomal Pass lies in the valley of the Gomal river and the Khyber Pass lies in the south of the Kabul river. In the south of the Gomal river, the Sulaiman mountains cover a distance of about 300 miles. The highest peak is Takht-i-Sulaimani with an average height of 11,100 feet.

In the south of the Sulaimans, there are Bugti and Marri hills running from the south-east to the north-east. Bolan is the main river and the Bolan Pass lies in this valley (which connects Quetta and Sibi).

The western part of the lower Indus Plain is bounded by the low Kirthar hills of about 7000 feet height. The rivers here are Hab and Lyari flowing into the Arabian Sea. The valleys of the rivers flowing between the western mountains are usually dry because of their low height.

(3) The Salt Ranges and the Potwar Plateau. This range starts in the Jogi Tilla and Bakrala ridges near Jhelum and continues south into the districts of Bannu and Dera Ismail Khan, crossing the Indus near Kalabagh. The average height of this range is between 2200 feet and 5000 feet above sea-level.

North of the Salt Ranges lies the Potwar Plateau of height varying from 1000 feet to 2000 feet above sea-level. There are a number of dissected plains in this plateau.

(4) The Upper Indus Plain. South of the Himalayas and the Salt Ranges lies a vast plain stretching south to the Arabian Sea. The Punjab is the northern part which is drained by the Indus river and its five tributaries, the Sutlej, the Beas, the Ravi, the Chenab, and the Jhelum.

The land between two rivers is known as Doab. The Punjab is thus divided into a number of Doabs. The Bari Doab lies between the Sutlej-Beas and the Ravi, the Rachna Doab between the Ravi and the Chenab, the Jech or Chej Doab between the Chenab and the Jhelum and Sind Sagar or the Thal Doab lies between the Jhelum-Chenab and the Indus river. This plain is fertile,

(5) The Lower Indus Plain. Below Mithankot in Sind, the five tributaries join the Indus river which flows over a wide area during the flood seasons. Due to the slow movement of water, silt is deposited on the two sides and several bunds are constructed. In the lower part, the Sukkur and the Ghulam Muhammad Barrages are constructed.

(6) The Baluchistan Plateau, which is 1000 feet high, lies west of the Sulaiman and Kirthar mountains. It is separated from Afghanistan by the Toba Kakar and Chagai Ranges. The Zhob, the Porali, Aingol and Dasht are the important rivers which flow into the Arabian Sea. The northern mountains contain valuable deposits of iron, chromite, coal and other minerals.

East Pakistan can be divided into two physical regions:

(1) The Lower Gangetic Plain.

(2) The Chittagong Hill Tracts.

(1) The Lower Gangetic Plain is a flat plain stretching from the Himalayas to the Bay of Bengal, with three main rivers, Ganges, Brahmaputra, and Meghna. Floods are frequent in this plain and thus the soil is kept fertile by the yearly deposited silt.

(2) The Chittagong Hill Tracts is a small hilly area which lies in the far south-east of East Pakistan. These hills are of clay and shale with Karnaphuli as the most important river flowing between the hills into the Bay of Bengal.

Climate

The factors which control the elements of climate are the latitude or the distance from the Equator, the altitude or the height above sea-level, and the distance from sea.

West Pakistan lies between 24°N. and 37°N. latitudes and East Pakistan lies between 210°N. and 27°N.

Temperature. Pakistan has three seasons in a year, a summer season that lasts from April to September, a winter that lasts from October to March. The rainy season lasts from July to September in West Pakistan and from June to September in East Pakistan. The rainfall is due to the seasonal winds called the Monsoons.

The Arabian Sea branch of this monsoon blows over West Pakistan and the Bay of Bengal branch blows over East Pakistan. West Pakistan generally experiences extreme temperatures, humidity is low and air is usually dry. But the climate is humid throughout the year in East Pakistan. With the exception of Southern Himalayas West Pakistan has low rainfall. In East Pakistan, the rainfall is heavy.

Climatic Regions of Pakistan. Climatically, East Pakistan can be divided into the following regions:

(1) Tropical wet region which includes the southern and south-eastern parts. The summers are long and hot with heavy rainfall above 80 inches and winters are dry and mild.

(2) Subtropical wet regions including the northern and north-eastern parts. The summers are better and winters are cooler than in Tropical Wet Region.

(3) Subtropical moderately wet region including the central and western parts. This region has high humidity and heavy rainfall (50″-60″).

West Pakistan can be divided into the following climatic regions:

(4) Subtropical coastland (arid marine) — including the southern coastal strips. The humidity is high, but rainfall is less than 7 inches per annum.

(5) Subtropical continental lowland—including the whole of the plains of West Pakistan except the coastal lands. These lands have extreme climate arid with summer rains.

(6) Subtropical continental highlands—including the mountains to the north and west of the Indus Plain. It has cold, snowy winters. The rainfall varies between 5 and 10 inches.

(7) Subtropical continental plateau—including the north-western part of Baluchistan which is an arid desert with extreme climate.

Irrigation

Irrigation is necessary especially in West Pakistan where rainfall is low. Even in East Pakistan rainfall is not sufficient and irrigational works are needed. In West Pakistan canals are the principal means of irrigation, but in East Pakistan it is mostly done by tanks or streams.

Principal Canals of West Pakistan. In this part, the Indus flows with its five tributaries and with their canals. The principal canals from the Ravi are:

(*a*) The Upper Bari Doab flowing from the Madhopur weir irrigates about eleven lakh acres of land most of which lies in Indian territory. The Lahore branch of this canal irrigates some areas in West Pakistan.

(*b*) The Lower Bari Doab flowing from the Balloki weir on the Ravi irrigates about 1·2 million acres of land.

(*c*) The Sidhnai canals flow from the left bank of the Ravi and irrigate more than three million acres of land where wheat and cotton are produced.

The principal canals from the Chenab are:

(*a*) The Upper Chenab Canal flowing from the Marala weir cultivates 1·4 million acres of land where rice, wheat, jowar, and American cotton are produced.

(*b*) The Lower Chenab Canal flows from the Khanki weir and irrigates 2·5 lakh acres where wheat and cotton are cultivated.

(*c*) The Haveli system of canals flows from the Trimmu weir and irrigates one million acres of land where wheat and cotton are produced.

The principal canals from the Jhelum are:

(*a*) The Upper Jhelum Canal which flows from the Mangla weir and irrigates about three lakh acres of land where wheat and American cotton are cultivated.

(*b*) The Lower Jhelum Canal flowing from the Rasul weir irrigates over eight lakh acres where wheat is produced.

The Sutlej Valley Project irrigates the land on both sides of

the river Sutlej.

The principal canals from the Indus are:

(*a*) The Thal Project. The Jinnah Barrage has been built near Kalabagh and the canals flowing from this barrage irrigate the northern and western parts of the Thal. Due to the construction of the project, wheat, cotton, and sugarcane are produced.

(*b*) The Taunsa Barrage, which has been constructed in the Taunsa Tehsil (Dera Ghazi Khan District) and the canals from this barrage cultivate an area of about fourteen lakh acres in the Dera Ghazi Khan and Muzaffargarh Districts.

(*c*) The Guddu Barrage has been constructed at Guddu which is about ninety miles north of Sukkur and ten miles east of Kashmor. After completion, it will cultivate an area of 2·5 million acres.

(*d*) The Sukkur or Lloyd Barrage on the Indus near Sukkur which is one mile long with seven canals which irrigate an area of 5 million acres, where wheat and rice are grown.

There are several dams which have been built in different areas. The important ones are; the Rawal Dam which is built in the area of Islamabad; the Mangla Dam which has been constructed on the Jhelum river; the Tarbela Dam is built on the Indus near Tarbela village; and the Soan or Rawalpindi Dam is to be constructed on the Soan river.

There are three main irrigation projects in East Pakistan which are the following:

(*a*) The Ganges Kobadak Project is a pump-irrigation scheme. Electric power will be used to lift water from Ganges to irrigate an area of about 2 million acres.

(*b*) The Teesta Barrage Project which consists of a barrage across the river Teesta near Gadmari with a canal of 30 miles length which will irrigate an area of 8 lakh acres.

(c) The Karnaphuli Project which is an electric project will also provide irrigation by power pumps to an area of 10 lakh acres.

Hydro-electricity

Hydro-electricity is important for the agricultural and industrial development of Pakistan, as there is a shortage of coal and petroleum.

There are eight main hydro-electric projects in West Pakistan:

(1) The Malakand-Dargai Hydro-electric Project which was completed in 1938 has a capacity of 20,000 kilowatts and supplies electricity to the factories at Nowshera and Wah.

(2) The Rasul Hydro-electric Project which has a capacity of 22,000 kilowatts supplies power to over 1800 tubewells, and for lighting purposes to Lahore, Lyallpur, and various other towns.

(3) The Warsak Dam Project which is constructed on the Kabul river has a capacity of 16,000 kilowatts. The electricity is used in lighting, industry, and mining.

(4) The Mangla Dam Project is a project on the Jhelum. It provides about 300,000 kilowatts of hydro-electric power which is expected to be increased to 900,000 kilowatts.

(5) Canals Falls Hydro-electric Projects. The Mangla Hydro-electric Project is the largest of these.

The other projects are the Shadiwal Hydro-electric Project, the Gujranwala Hydro-electric Project and the Chicho-ki-Mallian Hydro-electric Project.

East Pakistan has three main hydro-electric projects which are:

(1) The Karnaphuli Hydro-electric Project which is the most important project with a height of 153 feet and with a capacity of 120,000 kilowatts.

(2) The Sangu River Project which is to be constructed across the river in the Chittagong Hill Tracts to produce power and store water for irrigation.

(3) The Brahmaputra Project. A dam is to be built at two

places in Mymensingh to take out about 600 miles of canals and two power stations will be constructed.

The total capacity of Pakistan by 1965 was 1,272,000 kilowatts.

Mining

The industry of a country depends mainly on its minerals as they are the raw materials of industry. Iron is the basic material for the manufacture of machinery. Coal, mineral oil, and natural gas provide power for industry. The Salt Range, Chitral and North-east Baluchistan are the three important regions for minerals in West Pakistan.

The coal-mines of West Pakistan are at Dandot, Pidh and at Makerwal in the Salt Range where the coal reserves are 75 million tons and 1000 tons per day, respectively. The important fields of North-east Baluchistan are Nakus and Zardula producing 60,000 tons of coal. The Singidiles coal-fields produce 130,000 tons and the Mach-Bolan fields produce 20,000 tons of coal.

The Jhimpir-Meting coal-field produces 20,000 tons with the estimated reserves of 25 million tons.

Coal is also found in Cherat Hills near Nowshera and the Sargarh range in the Frontier region and in the Kotli area.

In East Pakistan coal has been found at Sunamganj in Sylhet and at Sibganj in Rajshahi, Kuchwa and Bogra. Faridpur District produces 160 million tons of air-dried peat.

Mineral Oil. Oil-fields of West Pakistan are the following:

(1) The Khaur oil-field (Campbellpur District)
(2) The Dhulian oil-field (Jhelum District)
(3) The Joyamair oil-field (Jhelum District)
(4) The Balkassar oil-field (Jhelum District)
(5) The Chakwal oil-field (Jhelum District)
(6) The Karsal oil-field (Jhelum District)

In 1961, the production of crude oil was 2,466,994 barrels of 40 imperial gallons. The production of oil is not sufficient and thus it is imported.

Natural Gas was discovered at Sui (Sibi District) in 1952.

This is one of the largest fields of the world with a reserve of over 5 million cubic feet. Two pipelines, one of 347 miles length from Sui to Karachi and the second to Multan which is 217 miles long were completed. The pipeline is extended to Lyallpur where a station is set up at Chiniot and is further extended to Ghariwal, Gujranwala, Sheikhupura, Jhelum, Rawalpindi, Wah and Islamabad. The Sui Gas was increased to 100,000 million cubic feet in 1965, when the rate of consumption was 74 million cubic feet a day. The gas is expected to last over 350 years.

In East Pakistan, natural gas was discovered at Sylhet in 1955. This field has the estimated reserves of 280,000 million cubic feet. Another gas-field was discovered at Chhatak in the Sylhet District in 1959 with the estimated reserves of 20,000 million cubic feet. A third field was found at Rashidpur in 1960 with an estimated reserve of 740,000 cubic feet. The other fields which have been discovered are at Kailas Tila near Gopalganj (1962), at Titas near Brahmanbaria (1963) and at Habiganj in Sylhet.

Iron. The important iron-mines of West Pakistan are the Kalabagh mines (Chicala and Kuch) with reserves of over 150 million tons and 34% iron content.

The Damwar Nissar mines in Chitral have the estimated reserves over 3·7 million tons, with 60% iron content.

Iron-ore has also been found at Dalbandin with estimated reserves of 14,000 tons and Ras Koh (Kharan District). It is also found in Hazara.

Chromite is mainly mined in Baluchistan and is exported also. The annual production is about 30,000 tons per year.

Rock-salt is the chief mineral of West Pakistan where the production of this mineral was 200,000 tons in 1951. The important mines are at Khewra, Warchha and Kalabagh.

Salt is also manufactured as a cottage industry along the coast of East Pakistan. It is also manufactured at Mauripur near Karachi by the evaporation of water.

Gypsum is found in the Salt Range and in the western mountains of West Pakistan. The total output is 70,000 tons and is

used in manufacturing cement.

Limestone is found in the northern and western mountains of West Pakistan.

Marble is found in Mardan District.

Lead-ore is found in Hazara, Chitral, Las Bela and Chagai Districts.

Radioactive minerals are found near Muzaffarabad.

Factory Industry

At the time of Partition, very few factories were located in our country and the Pakistan Industrial Development Corporation was set up to solve this difficulty. This Corporation is divided into two parts, W. P. I. D. C. for West Pakistan and the other for East Pakistan. The centres are Karachi, Lahore, Sheikhupura, Peshawar, Nowshera in West Pakistan and Dacca, Narayanganj, Chittagong, and Khulna in East Pakistan. Lyallpur, Multan, Hyderabad, Sialkot, Saidpur, and Sylhet are the other centres.

The chief factory industries are the following:

Jute presses and mills, which are mainly at Dacca, Narayanganj, Khulna, and Chittagong There were seventeen mills with over 8000 looms in 1963, 12,000 looms in 1965, and it is to be increased to 16,000; and six more mills are to be constructed. Gunny bags, gunny cloth, hessian, canvas cords and carpets are the main products of this industry.

There are presses for baling jute situated at Narayangani and Khulna.

Cotton mills are situated at Karachi, Okara, Lyallpur, Lahore, Shahdara, Kala, Liaquatabad, Bhakkar, Peshawar, Nowshera, Charsadda, Haripur, Hyderabad, Khairpur, Tando Adam, Tando Yusaf, and Tando Jam in West Pakistan; at Dacca, Narayanganj, Kaliganj (Dacca), Khulna, and Chittagong in East Pakistan.

Cotton is the chief industry of West Pakistan in which 150,000 persons are employed. There were 2·7 million spindles and 43,000 looms in 1963 and the number is expected to be raised to 60,000 looms and 3 million spindles. Pakistan exports cotton to other countries.

Sugar Mills. Sugar industry is one of the important industries of Pakistan. In 1947, the production of sugar was 35,000 tons which has been raised to over 170,000 tons at present.

The Premier Sugar Mill at Mardan is considered to be the biggest in Asia. The other mills in West Pakistan are at Takht Bhai (Mardan), Nowshera, Charsadda, Rahwali, Leiah, and Lyallpur. In East Pakistan, sugar mills are situated at Sitabganj, Mahunganj, Charsidur, Rajshahi, Kishoregunj, Darsana, Gopalpur, and Dewanganj.

Tea Factories. Tea industry is located in East Pakistan only. Ninety per cent of the total output of tea is produced in Sylhet District and the remaining in Chittagong. Tea is one of the exports of Pakistan.

Flour mills are situated mostly in the wheat-producing areas of West Pakistan such as Karachi, Lahore, Okara, Lyallpur, and Sukkur. The rice mills are located in the rice-producing areas of West Pakistan and mostly in East Pakistan.

The leather industry is one of the chief industries of Pakistan as it is one of the countries which produce raw hides and skins of goods quality. The chief centres of tanning industry in West Pakistan are Hyderabad, Sukkur and Khairpur, and Hazari Bagh (Dacca) and Hathazari in East Pakistan. The Bata Shoe Company (Lahore) is one of the largest factories in the world.

Paper Mills. Paper industry is one of the chief industries of Pakistan, which is not only self-sufficient but also exports a good quantity of paper. The Karnaphuli Paper Mill at Chandragona is one of the largest mills in South Asia producing about 43,500 tons of paper a year. A paper-board mill has been set up at Nowshera in West Pakistan.

The other industries include the glass industry, metal industry, fertiliser factories and cement factories. Pakistan's general engineering works are mainly at Lahore, Karachi. Hyderabad, Gujranwala, Lyallpur, Dacca, Beharganj, Chittagong and also at Sialkot and Gujrat.

Export and Import

Exports from Pakistan are maily jute, raw cotton, raw wool, raw hides and skins, and tea. Raw jute of over Rs. 840 million is exported to United Kingdom, West Germany, United States, France, Belgium, India, Italy, and Japan and is exported through Chittagong and Khulna. Pakistan occupies the fourth position in the world as an exporter of raw cotton which is mainly exported to China, Hong Kong, France, United States, and United Kingdom.

Raw wool of the value of Rs. 75 million is exported to United States and United Kingdom through Karachi. Raw hides are mainly exported to India, United Kingdom, Iran, Italy, and raw skins are exported to United States, West Germany, United Kingdom, Italy, Sweden, and Japan. They are exported through Karachi and Chittagong.

The imports are machinery of all kinds, iron, steel, mineral oil, vehicles, drugs and medicines, chemicals, dyes and colours, non-ferrous metals, electrical goods and apparatus, foodgrains, cutlery and hardware, liquor, spices, and provisions.

Machinery is imported from United Kingdom, West Germany, United States, and Japan. Iron and steel are imported from Belgium, Luxemburg, United Kingdom, Japan, West Germany, United States, Canada, France; mineral oil comes from Iran, Saudi Arabia, the United States, Malaysia and United Kingdom; vehicles from United Kingdom, United States, West Germany, and Italy.

Drugs and medicines are imported from United Kingdom, United States, Switzerland, India, and France; non-ferrous metals and metal products from United Kingdom, France, Japan, West Germany, and Malaysia.

These goods are mainly imported through Karachi and Chittagong. Now Khulna is also used.

Distribution of Population and Occupations

The distribution of population is determined by geographical and economic factors. In East Pakistan, soil is fertile and land is

most suitable for cultivation and there is a high density of population. West Pakistan has comparatively drier soil. The hills and the deserts of Sind and Baluchistan have a very low density of population. But the fertile Indus Plain is densely populated. The district of Karachi has the highest density with an average of over 1500 persons per square mile, due to the fact that it is a commercial and industrial centre. Similarly, Lahore, Lyallpur, Peshawar, and Mardan are highly populated.

The other highly populated areas are the long-settled districts of Gujrat and Sialkot. The newly-settled canal colony districts of the Punjab plains are also well populated where the density is about 250 persons per square mile. The irrigated plain of Peshawar-Mardan is also well populated.

Population according to the Census of 1961

	Area	Population	Density per square mile
West Pakistan	310,403	42,880,378	138
East Pakistan	55,126	50,840,235	922
Pakistan	365,529	93,720,613	652

Occupations

About two-third of the total population is dependent according to the Census of 1961. Of the remaining, about three-quarters are employed in agriculture. In West Pakistan, about 60% of the working population is employed in agriculture, while this percentage rises to over 80% in East Pakistan.

Frontier Regions

In the Frontier regions, the density of population is quite low due to the low rainfall and stony surface. These regions have an area of 22,601 square miles with a population of 3,347,939.

These regions are divided into six political agencies:

(1) Malakand, including the states of Chitral, Dir, Swat Ranizai, Sam Ranizai, Bajaur and Utmankhel.

(2) Mohmand.

(3) Khyber.

(4) Kurram.

(5) North Waziristan.

(6) South Waziristan.

There are also Tribal (now called "Special") areas adjoining the districts of Hazara, Peshawar, Kohat, Bannu, and Dera Ismail Khan. There is one political agent for each agency.

Malakand Agency. It is situated in the northern part of the Himalayas and the Political Agent lives at Malakand. This agency is famous for the Malakand and Durgai hydro-electric stations. It has an area of 12,344 square miles with a population of 15,367,767 (in 1961).

Chitral is situated in the north of the Malakand Agency with an area of 5727 square miles and a population of 113,057. The climate is pleasant with a low rainfall in winter. The chief crops are wheat, barley, maize, and rice, and plenty of fruit is produced in this area.

Dir has an area of 2040 square miles with a population of 385,183 persons. The valley of Dir is also known as Kashkar. It is situated in the south of Chitral and is drained by the Panjkora and its tributaries. The upper valleys are pleasant, but the lower valleys are hot.

Swat has an area of 2934 square miles and population of 614,395 persons, and is situated in the valley of the Swat river. It is divided into two parts, the upper "mountain country" and the lower "Swat Proper". Fruit is produced in plenty and is exported.

Mohmand Agency was created in 1962 and now has a population of 294,215 persons. The Warsak Dam is constructed in this valley.

Khyber Agency has a population of 301,319, lying south-west of Peshawar District and south of the Safed Koh. The Khyber Pass is situated in this Agency.

Kurram Agency lies in the upper part of the Kurram Valley with a population of 200,512. The chief occupation of the people is agriculture and fruit is the main product.

Waziristan is a barren hilly area between the Kurram and

Gomal rivers. It is divided into two parts: North Waziristan with a population of 159,470, and South Waziristan with a population of 235,442. North Waziristan consists of four fertile valleys separated by high hills. The climate is dry and sheep-rearing is the main occupation. South Waziristan is a hilly area with high peaks; Pirghal is of 11,600 feet height. The Gomal is the main river.

In the Gilgit Agency, climate is dry, and rice, wheat, barley, maize, and fruit are mainly produced. The Gilgit is the main river. The weaving of woollen cloth is the only industry which is known as "Pattu". Gilgit (4690 feet) is the headquarters of the agency.

The Jammu and Kashmir state is situated in the north-east of West Pakistan and is bounded by Soviet Russia and China on two sides. It is mainly a mountainous area and its rivers flow into West Pakistan. The valley has a fine climate and scenic beauty with the maximum temperature 99·3°F. and the minimum 11°F. The manufacture of woollen textiles is the chief industry. The silk industry is also quite important. Muzaffarabad is the capital of the Azad Government of Jammu and Kashmir which is the commercial and educational centre.

5

The Constitution of Pakistan

The President of Pakistan

The executive head of Pakistan is called "the President". He performs ceremonial as well as executive functions and is solely responsible for the country's administration. Any thirty-five year old Muslim citizen of Pakistan—eligible to be a member of the National Assembly—can contest the office of the President. However, the President cannot be a member of the Legislature. Elections for the Presidency are held if or when: a President completes his normal term of five years; a President is impeached and convicted or is declared incapacitated; he does not turn up to take the oath; or the National Assembly is dissolved. The President is elected indirectly—by 120,000 Basic Democrats, elected on the basis of adult franchise. The President may resign during his term. The President may recontest the office. However, his candidature for the third term depends upon the Legislature's approval, especially the approval of both of the Provincial Assemblies. The number of the Presidential candidates is brought to three or four (if the President is recontesting) by the joint session of the National and Provincial Assemblies. Any confusion regarding the counting of votes is solved by the Chief Election Commissioner. The elected person takes the oath for faithful execution of the duties of the office before the Chief Justice of the Supreme Court. Once administered the oath, the President can be removed only by the National Assembly. One-third and three-fourth of the total

number of MNA's can respectively move the resolution of impeachment and vote for conviction. If, it must be noted, less than half of the total number of MNA's support the resolution, the initiators of impeachment lose their membership. There is an identical approach for declaring the President as incapacitated. Besides free lodging and other sumptuary allowances, the President is entitled to a salary of Rs. 65,000 per annum. His salary can be changed only by constitutional amendment. The President enjoys complate personal inviolability in the fulfilment of his duties. Civil proceedings can be filed against him but only according to the specific provisions given in the Constitution. Being the head of the state the President is responsible for the execution of executive powers of the Federation of Pakistan. He is constitutionally all-powerful in the appointment and dismissal of Governors, Ministers, and members of various administrative commissions. All civil appointments are made in his name. His appointees, except the judges of the High Courts and Supreme Court, are directly responsible to him. The President is the Chief of the Defence Services of Pakistan. He has the final say in Pakistan's external relations. The President promulgates and enforces the legislated laws and can recommend new laws to the Legislature through his Council of Ministers or by way of presenting an advisable line of action in his casual addresses to the Legislature. The President enjoys strong veto power overridable by the passage of the measure by a two-third majority of the National Assembly and the subsequent assent of the majority of the members of the Electoral College. Besides these indirect powers the President enjoys positive legislative powers. He is empowered to issue ordinances—having the force of the Act of the Central Legislature. The President has the power of summoning, of proroguing (when he has summoned) and (except under certain conditions) of dissolving the National Assembly. However, in case of dissolution he himself loses the office, too. The President is empowered to grant pardons, reprieves, respites or to remit, suspend, or commute any sentence by any court, tribunal, or other authority.

Pakistan's budget is divided constitutionally between Committed and New Expenditures. The President has an unfettered control over the Committed Expenditures. In the National Assembly "financial measures" are exclusively Government measures. The President is the sole authority to declare a "state of emergency" in the country. Emergency, when formally declared, entitles the President to issue ordinances, having the force of an Act of the Central Legislature. These ordinances are enforceable as long as the "emergency" exists. Besides these specific powers, the President enjoys many miscellaneous powers, thus enabling him to command the country with confidence.

Central Council of Ministers

The President appoints a number of officials to be the members of his Council of Ministers. Theoretically, the President may choose anyone who is eligible to be an MNA. However, in practice, we find his choice limited because of "the consideration of geography, reconciliation, compromise, political strategy, administrative competency, personal intimacy, and plain inertia." The Ministers are eligible to take part in the deliberations of the National Assembly. However, they have no right to vote. Government measures are introduced in the House by the Ministers. The Ministers are responsible only to the President who can dismiss them. There is no fixed number for the "Council of Ministers". Upon appointment every Minister has to take an oath affirming honest fulfilment of his duties. The salary of a Central Minister, excluding certain allowances and facilities, is Rs. 3000 per month. The Council of Ministers as a collective body is a mere advisory board. The President is not obliged to agree with the consensus. Individually, the Ministers are heads of various departments. The meetings of the Council of Ministers, invariably presided over by the President, demand secrecy. The major decisions are taken by the President-in-Council.

National Assembly

The Central Legislature, according to the Pakistan Constitution, consists of the President and the National Assembly.

The National Assembly is composed of 156 members. Six seats are reserved for women. All the seats are equally divided between the two wings. According to the recent constitutional amendment, the number of M.N.A.'s has been increased from 156 to 218. Now, National Assembly will consist of 200 elected members and ten intellectuals nominated by the Government. Eight seats have been reserved for women. The normal term of the Assembly is five years. The Speaker, at the request of one-third members of the Assembly or the President, may summon and prorogue the Assembly. The President can dissolve the Assembly under certain constitutional limitations. Any twenty-five year old Pakistani, resident of a particular constituency for six months, can contest a seat of the Assembly provided he does not hold any office of profit in the service of Pakistan; he is not an undischarged insolvent; he has not been convicted of an offence within the previous five years, for which he has been imprisoned for not less than two years. Wives of Government servants are ineligible. In case of any discrepancy, the decision of the Chief Election Commissioner is final. If a person is elected to both the National and the Provincial Assemblies he will lose seat in the Assembly of which he was a member before. A member loses his seat if he absents himself for thirty consecutive sittings or if he fails to take the oath of membership. A member may resign at any time. An MNA enjoys freedom of speech in the House; immunity from execution of any authority's orders while in the House; and immunity from detention or requirement of presence in any proceeding during and fourteen days before and after Assembly's session. However, in all these cases the Speaker is empowered to curtail a member's privileges. The salary of a member is Rs. 400 a month plus Rs. 50 a day for the period of residence on duty. Besides this, members are entitled to have free telephone connections and "travelling allowance".

The Speaker of the Assembly or, in his absence, the Deputy Speaker conducts the proceedings which are unchallengeable in any court. Decisions in the Assembly are made by the majority votes

of the voters present except where two-third or three-fourth majority is required. The Speaker has only the casting vote. The Assembly functions despite any vacancy in its membership. The participation of an unentitled person in the Assembly does not invalidate its proceedings. Forty members constitute the quorum. The Assembly must meet at least twice a year.

The Speaker and the Deputy Speaker are elected by the members from among themselves immediately after the General Elections. The Speaker can resign. He can be removed by half the members of the Assembly. The Speaker is a non-party man. He has a fixed salary for the whole term equal to that of a Central Minister. In the absense of the Speaker as well as the Deputy Speaker the panel of Chairmen composed of four members—nominees of the Speaker—preside over the Assembly, in the announced hierarchical order.

The National Assembly is exclusively empowered to legislate for the central subjects of Pakistan. It can legislate on matters falling under provincial jurisdiction. In case of inconsistency between Central and Provincial legislation, the former prevails. Any legislative matter pertaining to preventive detention can be taken up only with the prior permission of the President.

The authority for levying taxes rests solely with the Central Legislature. However, the introduction of financial measures and the recommendation for enhancement of any grant can be made only by a Government official. The Annual Budget and the Supplementary Budget (if any), placed before the Assembly, consists of the expenditure to be met from the Central Consolidated Fund and the New Expenditure. The Central Consolidated Fund, which can be debated but not voted in the Assembly, includes the remunerations payable to the "constitutional officials"; the administrative expenses of the offices connected with the National Assembly; and any debt on the Central Government. The "New Expenditure," which is subject to the assent of the House, includes: that much of the expenditure which exceeds by more than 10% of the expenditure already approved by the Assembly;

any other non-recurring expenditure; though recurring expenditure but for which there is no provision in the Authorised Expenditure, the previous year; and recurring expenditure that exceeds 10% of the previous allocation.

Note: The "recurring expenditure" excludes expenditure for projects extending over several years. Initially, the whole estimate of a project along with its first-year expenses is placed before the Assembly in the category of the "New Expenditure". The Assembly may approve or reject the project. If, however, it is approved, the expenses of the project will be met, in the subsequent years, from the Central Consolidated Fund.

Besides these two types of expenditures, there is an "Unexpected Expenditure" chargeable by the President on his discretion from the Central Consolidated Fund. The President is obliged to lay before the Assembly a report of this expenditure, which can be discussed and not voted by the Assembly. After presenting Annual and Supplementary Budgets the Government may present an "Excess Budget" if still more amount is needed from the Central Consolidated Fund in the same financial year.

The National Assembly sits as a court when a resolution of impeachment, conviction or declaring the President as incapacitated, is before the House.

The National Assembly can pass an "Amendment Bill," seeking amendment to the Constitution by a two-third majority. To override the Presidential veto the Assembly has to pass the measure with a three-fourth majority. The President may still withhold his assent and refer the matter to the Electoral College. If a majority of the Electoral College passes the measure, the Constitution would be amended notwithstanding Presidential assent. *Note*: An amendment bill affecting the limits of a province needs an approval of the two-third of the Provincial Assembly concerned, before the Central Legislature could take it up.

The National Assembly can be an effective check on the Executive through the following constitutional provisions:

(*i*) by questioning Ministers on administrative affairs in the

first hour of every meeting;

(*ii*) by moving an "adjournment motion" which facilitates stoppage of the normal proceedings of the Assembly to discuss an urgent issue;

(*iii*) by moving a "resolution" giving express opinion of the House on a particular issue; and

(*iv*) by moving "cut motions" enabling the Assembly to refuse or reduce the supplies of grants.

"Law-making" is the primary function of the Legislature. All the days of the week except Fridays are reserved for Government Bills. Further, Money Bills can be introduced only by the Ministry. The First Reading covers introduction of a Bill embodying the provisions of the proposed laws along with a statement of "objects and reasons". The Bill is published in the Gazette of Pakistan. It may be referred to one of the Standing Committees—committees elected after the General Elections, for the duration of the Assembly, to assist the House in eliciting specialised opinion on a matter. Before taking up the Bill for a detailed scrutiny it is made sure that the legislation is in conformity with the principles of law-making. The Advisory Council of Islamic Ideology may be consulted. The Bill may be referred to the Select Committee appointed on the spot. Coming back of the Bill from the Select Committee heralds the Report Stage. The Bill is debated clause by clause now, and amendments to each clause are proposed. Thus concludes the Second Reading. In the Third Reading the Bill is put to vote and is passed or rejected as a whole. If the Bill is passed, it is sent to the President after whose assent it becomes an Act of the Central Legislature.

The procedure for the passage of financial measures is somewhat different. These can be presented only by the Ministry and cannot be referred to the Standing or the Select Committee. First of all the Central Consolidated Fund and then the New Expenditure and Project Expenditures are discussed. The Assembly may reduce grants or may even reject the measure relating to the latter two types of expenditures.

Discipline is maintained in the House. A member can address the House with the permission of the Speaker or, in his absence, the presiding officer. Votes are taken in the first instance by voices. However, in case of disagreement, votes are taken by division. The result of voting by division is unchallengeable. In case of a tie, the Speaker has a "casting vote".

A member may speak in English, Urdu, or Bengali. He may speak in any other language with the permission of the Speaker.

The Governor

The Provincial Governments are considerably dependent upon the President. The Governor—the provincial chief executive—is the President's nominee. He can be removed by the President at any time. He also ceases to hold office when the President, who nominated him, is changed. The Governor, too, can relinquish the charge by resignation.

Any person who is eligible to be an MNA can be appointed as Governor. The President, if he finds the Governor guilty of gross misconduct, besides removing can punish him, authenticating his decision, in this case, by a special tribunal appointed by him and the Chief Justice of the Supreme Court. The convicted Governor, thus, can be disqualified from holding public office for five years.

Every Governor, before taking charge, takes an oath before the Chief Justice of the High Court declaring his faithful dedication to service.

The salary of a Governor is fixed by the President. However, once fixed, it cannot be altered throughout the Governor's tenure. The Governor enjoys the same "privileges" as the President enjoys.

If the Governor is absent from Pakistan or is temporarily disabled, an Acting Governor, enjoying the same powers, may be appointed by the President.

The Governor of a province enjoys exactly the same executive, legislative, financial, and miscellaneous powers in the province as the President enjoys in the Central Government. However, it

should be noted clearly that the Governor is responsible for his acts to the President.

The Provincial Council of Ministers

The Provincial Council of Ministers is appointed by the Governor with the consent of the President. The Governor may remove any of the Ministers at any time. Moreover, if he finds a Minister guilty of gross misconduct, he may punish the Minister authenticating his action by a special tribunal appointed by him in consultation with the Chief Justice of the High Court. The convicted Minister, thus, can be disqualified from holding any public office for five years.

Any person who is eligible to contest a seat of the Provincial Assembly can be appointed as a Minister. A Minister cannot hold any office of profit. A Minister is immune to court action as long as he does not contravene any law.

Besides sumptuary allowances and other facilities, a Minister is entitled to a salary of Rs. 2500 a month during the whole tenure.

All that has been stated about the relations of the Central Council of Ministers, the President, and the National Assembly is true also of the Provincial Council of Ministers, the Governor, and the Provincial Assembly.

The Provincial Legislature

In each province the Governor and the Provincial Assembly constitute the Provincial Legislature. There are 150 general seats and five exclusively women seats in the Assembly. For West Pakistan Assembly the seats for the former Punjab are limited to sixty for eight years from the enactment of the Constitution. According to a recent amendment in the Constitution, Provincial Assembly in future will consist of 218 members, out of which ten seats are for the intellectuals nominated by Government and eight seats would be reserved for women. A person who is eligible to be a member of the National Assembly can contest the seat in the Provincial Assembly. The ground on which an MNA is liable to

lose his seat hold good in the case of the Provincial Assembly, too. Every elected person takes the oath of office. The normal term of the Provincial Assembly is five years. However, it can be dissolved by the concurrence of the National Assembly and the President on the recommendation of the Governor or the Speaker of the Provincial Assembly. The Assembly can be summoned or prorogued by the Speaker (at the request of forty-three of the members) or by the Governor. *Note*: Whoever summons, only he prorogues.

The rules of procedure of the Provincial Assembly, the role of the Speaker, the legislative business of the House, everything is identical with that of the National Assembly. The role of the President in dealings with the National Assembly is assumed by the Governor in case of the Provincial Assembly. In case of any inconsistency between the Central and the Provincial legislation, the former prevails.

The Elections

Democracy demands fair elections to the various institutions in a state. Hence the Pakistan Constitution provides the "Electoral Units," "Electoral College," "Chief Election Commissioner," and the "Election Commission" for proper conduction of the elections.

The Chief Election Commissioner, an appointee of the President, takes an oath of faithful execution of the duties according to the Constitution and Law. The salary and allowances of the C. E. C. are the same as those of a judge of the Supreme Court. Other terms and conditions are decided by the President if the National Assembly does not enact any law for it. The C. E. C. is removable by the President only on the advice of the Supreme Judicial Council on grounds of gross misconduct or physical or mental incapability. The Council can probe on the initiative of the President himself or the National Assembly through its Speaker. The C. E. C. can resign at any time.

Although generally the General Elections are to take place after every five years, yet an Assembly may be dissolved earlier.

Moreover, bye-elections casually take place. Hence the office of the C. E. C. is a permanent one – ever ready for election business.

The C. E. C. may keep a property. However, he is not permitted to assume any office of profit in Government or private service.

Upon expiry of a term, the C. E. C. cannot have any office of profit in the Government service for two years. However, he may be re-elected as C. E. C. if the Central Legislature approves.

If because of one or the other reason there is a need of an Acting C. E. C. one is appointed from amongst the judges of the Supreme Court by the Chief Justice of Pakistan.

The Election Commissions are temporary bodies constituted particularly for an election of the President, for each general election of an Assembly, and for every referendum conducted under the Constitution.

An Election Commission is composed of the C. E. C. (the Chairman) and two judges of the High Courts—one from each wing. The judge is appointed by the President after consulting the Chief Justice of the concerned High Court and the C. E. C.

The Election Commission is responsible for the fair conduct of an election. For this it enjoys wide powers. It can delegate the whole responsibility to a single member.

The Election Commission entertains election petitions also, which have to be submitted within a particular period. The Commission under normal circumstances refers the cases to the concerned District or Additional District Judges. The Attorney-General or the Advocate-General may also assist, if needed. Points of law are decided either by the Commission or on request of the Commission by the concerned High Court.

The Election Commissioner appoints the staff of the department. The terms and conditions of service are determined by the Commission with the consent of the President.

There are 60,000 Electoral Units or constituencies in each of the two provinces. Parity is maintained in this respect. Electoral rolls of every Electoral Unit register every twenty-one-year old,

sound-minded resident as a voter. These voters, normally after five years, elect from amongst themselves their representatives of at least twenty-five years of age. These representatives are the members of the Electoral College and the units of the Local Self-Government. These representatives, known as the Basic Democrats, take the oath of their office and elect the President of Pakistan and the members of the Central and Provincial Legislatures. For the latter's election the C. E. C. divides the provinces into 75 and 150 constituencies each, respectively. For elections to the women's reserved seats the provinces are again divided into three and six zones, respectively.

The Election Commissioner and the Commissions are entitled to have the services of the Central and Provincial executive authorities. The Election Commissioner notifies the date of elections and appoints Government officers as Returning Officers. From the respective constituency an elector may propose or second a candidate eligible to be an MNA or MPA. There can be more than one candidate for one seat. However, an elector cannot propose or second more than one candidate. The contestants to the National and Provincial Assemblies deposits Rs. 1,000 and Rs. 500 respectively, as security. The security is forfeited if a candidate secures less than one-eighth of the total votes cast.

The contestants get the opportunity of addressing the electors with a positive approach in a public meeting conducted by the Commission, presided over by a non-partisan authority, in the respective constituencies. The voting is by secret ballots. If candidates get equal number of votes, the decision is taken by drawing a lot. Election expenses of the candidates for the National and Provincial Assemblies are legally restricted to Rs. 2,000 and Rs. 1,000, respectively. "Canvassing within a radius of 400 yards of a polling station is prohibited. An appeal to the sectarian, racial, or tribal sentiments of a person is an offence." Bribery is a guilt. A person is guilty if he votes knowing that he is not eligible to vote; or casts more than one vote either in different constituen

cies or in the same constituency; or removes a ballot paper from the polling station. An offender may be imprisoned up to two years and/or fined up to Rs. 500.

The Judicial System

Judiciary is one of the basic components of a Government. The Pakistan Constitution provides for a single hierarchical judicial system which administers both Central and Provincial laws. The judges are generally promoted from the lower to the higher courts. The judges of the Supreme and High Courts are appointed by the President, on merit alone, generally from amongst the practising lawyers. District and Sessions Judges are mostly from the Civil Servants. At the lower level of judiciary we have the courts of civil jurisdiction, dealt by the Civil Judges; and the courts of criminal jurisdiction, dealt by the Magistrates. The judiciary in Pakistan enjoys a great degree of independence. Judges have a fixed high salary and a long, secure tenure of service. Retired judges cannot practise in the same or lower courts. They cannot get any appointment under the state for two years. To check illegitimate criticism the courts can initiate contempt proceedings. Once appointed, the judges can be removed before retirement only on the recommendation of the Supreme Judicial Council, or for gross misconduct or physical or mental incapacity.

The Supreme Court is the highest judicial body in Pakistan. Its strength is determined by the President if the Legislature does not specially legislate in this regard. At present there are five judges including the Chief Justice. The judges are appointed by the President after consulting the Chief Justice from amongst those citizens of Pakistan who have been judges or pleaders in one of the High Courts for at least five or fifteen years, respectively. The Constitution does not name the Seniormost judge as the Chief Justice. The President is free to appoint even a junior judge as the Chief Justice. Before assuming office the judges take the oath of office. The superannuation age for the Supreme Court Judges is sixty-five. During the tenure one cannot hold any other office of profit in the service of Pakistan.

If a need arises, generally the seniormost judge is appointed as the Acting Chief Justice by the President. Again, a judge of the High Court may be appointed, if he qualifies to be appointed so, as an Acting Judge of the Supreme Court, by the President. Because of lack of quorum, or for any other reason, the Chief Justice of the Supreme Court may appoint for a specified period a judge of a High Court, qualified to be appointed as a judge of the Supreme Court, as an *ad-hoc* judge. This appointment is made after the consent and approval of the Chief Justice of the High Court and the President. The *Ad-hoc* and the Acting Judges enjoy the powers and privileges of actual judges.

The salary of the Chief Justice and other judges of the Supreme Court is Rs. 5500 and Rs. 5100, respectively. They are entitled to other allowances including leave, pension, etc., decided by the President. The Supreme Court shall have its permanent place in the capital, i.e. at Islamabad. At the moment it is convened at an appropriate station decided by the Chief Justice with the consent of the President.

Original, Appellate and Advisory jurisdictions come into the sphere of the Supreme Court. It has original jurisdiction in disputes between the Centre and the provinces, between the two provinces or between one province and the Centre and the other province. The Constitution expressly empowers the Legislatures to make a law. Hence the Supreme Court cannot challenge this power.

The Supreme Court is the highest Court of Appeal in Pakistan. Appellate jurisdiction is bisected into an appeal as a matter of right and an appeal which needs the Supreme Court's permission, before it could be entertained.

If a High Court certifies that a point of law regarding interpretation of the Constitution is involved; if a High Court has granted capital punishment to a person; or if a High Court has sentenced a person for contempt of Court, the appeal is entertained as a matter of right. In cases other than enumerated above, one may challenge the decisions of a High Court only if one gets

the permission of the Supreme Court. By passing a law the Supreme Court can be advised to entertain cases that ordinarily do not lie within the sphere of the Supreme Court. The Supreme Court is under obligation to give its opinion on any matter put forth by the President. Being an "opinion," the President can neglect the advice of the Supreme Court, constitutionally. The Supreme Court is empowered to review its own judgments. The Supreme Court decides the rules of procedure itself with the approval of the President. The decisions of the Supreme Court are unchallengeable. Appointment of the departmental staff is made by the Chief Justice according to the "rules of procedure".

There is an identical High Court in and for each province. The High Courts are immune to any pressure from the Provincial Legislature or Executive. A High Court consists of a Chief Justice and a number of judges. The number is determined by the President if the Legislature does not specify it by a law. The Chief Justice of a High Court is appointed by the President after consulting the Provincial Governor and the Chief Justice of the Supreme Court. While appointing the judges of a High Court the President consults the Chief Justice of the High Court also. Any citizen of Pakistan, who has been an advocate or pleader of the High Court for ten years, or any C.S.P. having ten years of service including three years in some judicial capacity may be appointed as a judge. A judge of one High Court is transferable to the other by the President after consulting the Chief Justices of the Supreme and High Courts.

An Acting Chief Justice, if a need arises, is appointed by the President from amongst the judges of the High Court. If there is a genuine reason, the President can appoint a person, qualified to be a judge of a High Court, as an Additional Judge for a specified period, within limits provided by the law. Before assuming office the Judges and the Chief Justice take the oath of their offices before the Chief Justice and the Provincial Governor, respectively. The superannuation age for the High Court judges is sixty. During the tenure one cannot hold any office of profit in the service of

Pakistan. Till two years after retirement a judge cannot practise law, neither can he hold any affice of profit in the service of Pakistan. However, he can be elevated to the Supreme Court if he fulfils the prerequisites.

The salary of the Chief Justice and other judges of the High court is Rs. 5000 and Rs. 4000 per mensem, respectively. They are entitled to allowances including right of leave, pension, etc., decided by the President.

The main seats of the High Courts are at Dacca and Lahore. However, these may meet at any other place decided by the Chief Justice after consulting the President. The West Pakistan High Court is divided into three major benches: Lahore, Peshawar, and Karachi. A judge from one region may be transferred to another. The High Courts have both original and appellate jurisdiction. Besides it is empowered to issue orders and directions to the Central, Provincial, and Local Bodies. The High Courts have the power to declare any law invalid if it is inconsistent with the Fundamental Rights. The High Courts command proper working in the subordinate courts. Decisions of a High Court cannot be challenged in a Subordinate Court. However, it is at liberty to review its own cases.

The Chief Justice and the next two seniormost judges of the Supreme Court and the Chief Justices of the High Courts constitute the Supreme Judicial Council of Pakistan. The presence of all the members is essential for the working of the Supreme Judicial Council. The Council frames a code of conduct for the Supreme and the High Courts and decides the charges levelled against the most senior Government officers, of gross misconduct and physical or mental incapacity. The Council not only comments on the "charges" but recommends appropriate action also when the charges are found well placed. However, the Council can inquire into a case only on President's recommendations.

Besides the Supreme Court and the High Courts there are Subordinate Courts—Civil and Criminal—dealing with civil and criminal cases. Below the High Courts there are District and

Sessions Courts in every district which can hear both civil and criminal cases. A death sentence by these courts needs confirmation from a High Court. The Judges of the District and Sessions Courts are members of the Civil or Provincial Service of Pakistan.

Below the District and Sessions Courts there are separate courts for civil and criminal jurisdictions. For criminal cases, in every district there is a District Magistrate (who is Deputy Commissioner also) helped by three Magistrates known as First-Class, Second Class and Third-Class Magistrates. In big cities we find City Magistrates also. For civil cases we find Civil Judges. There are small causes courts for the disposal of minor cases.

Besides the Courts dealing with civil and criminal cases there are Revenue Courts which try cases involving disputes over settlement and collection of land revenues. The Collector or Deputy Commissioner constitutes the Chief Revenue Court in a District. Above District Revenue Court appeals lie before the Divisional Commissioner and still next to the Board of Revenue.

The Subordinate Courts' composition and functions are fairly uniform.

The Public Services

The Public Services in Pakistan consist of the Defence Services and the Civil Services. The recruitment to the Civil Services is made through a Competitive Examination System to do justice to the talented young people. For different types of services there are different age limits. Recruitments are recommended to the Government (the appointing authority) by the independent Central Public Service Commission and the Provincial Public Service Commissions, in the Central and Provincial Governments, respectively. The recruits enjoy continuity of service at the cost of non-partisan disposition. They are provided the facility of initial and in-service training.

Rules and regulations governing the Services are subject to legislative control. However, the Constitution of Pakistan expressly prohibits the recruitment of a non-citizen, permanently. In theory, the Central and the provincial officers hold office "during the

pleasure" of the President or the Governor, respectively. This is only to empower the Central or Provincial Chief Executive to dispense with extremely misbehaving and inefficient staff. *Note*: To safeguard any discrimination the members of the Services cannot be dismissed by any authority subordinate to the appointing body. Secondly, with a few exceptions the Services personnel must be served with a show-cause notice. With the exception of the personnel of the Defence Services, victims can sue the Government. However, if the services are terminated by the President or by the Governor of the Central or the Provincial officer, respectively, the terminee has no right of appeal. Under normal circumstances, Government servants can be retired or given an extension in service on the recommendations of the Committee set up to examine his record, the Sub-Committee of the Cabinet and the Public Service Commission once he has attained the age of fifty-five or has completed twenty-five years of service. On retirement he is entitled to avail pension.

The Civil Service in Pakistan can roughly be classified into All-Pakistan Services, the Central Superior Services, and the Provincial Services. All-Pakistan Services include the "Civil Service," the "Foreign Service" and the "Police Service". Officers to these services can be appointed anywhere in Pakistan. Foreign Service personnel may be appointed in any of the Pakistan Embassies. The Central Services include, besides All-Pakistan Services, the Pakistan Audit and Accounts, the Pakistan Military Accounts, the Pakistan Income Tax Service, Land Commission and Excise Service, Pakistani Military Land and Contonement Service and the Postal Service. Women are ineligible in the first three of the above enumerated services.

Recruitment to these Services, as already stated in the beginning, is made on the basis of merit through a system of Competitive Examinations. Appointments to the Civil Service are made according to the following quota system: Merit 20%; East Pakistan 50%; and West Pakistan 30%. In West Pakistan we again find a regional quota system.

The appointees are given initial training in various academies as the Civil Service Academy and Finance Services Academy at Lahore and the Police Training College in Rajshahi District. The in-service training facilities are available at the Administrative Staff College and the National Institutions of Public Administration at Dacca, Karachi, and Lahore.

Through a comparable system of selection and training the Provincial Public Service Commission recommends appointments to the Provincial Service, to the Governor.

Recruitment to the technical offices both in the Centre and the province are made after an interview of the candidates who possess the requisite qualifications.

Recruitment to the subordinate posts is generally made by the heads of the departments.

The Ministries of Finance, Commerce, and Industry, because of their somewhat technical and complex work, attract people from a group known as the Economic Pool—selected by a Pool Establishment Committee from amongst the officers of the Central Superior Services.

Promotions in the Services are granted on the basis of seniority-cum-merit.

Public Service Commissions, the recruiting bodies, are non-partisan and immune to outside pressure. These Commissions—the Central and Provincial—compose of a Chairman and a specified number of members. The number is decided by the President in case the legislative body remains quiet. Appointments to the Commission are made by the President (in case of the Central Commission) or the Governor (in case of the Provincial Commission), considerably from amongst those who are or were in the "Service of Pakistan".

The members of the Central and Provincial Commissions take the oath of office before the Chief Justices of the Supreme and High Courts, respectively, before assuming office.

The members of the Commissions are normally appointed for three years. They enjoy a fixed tenure and can be removed earlier

only on the express recommendations of the Supreme Judicial Council on charges of gross misconduct or physical or mental incapacity.

The Commissions are entrusted with two important functions: of recruitment and of recommending rules governing the personnel in the Services, to the Government. Commissions' Annual Reports are presented before the Legislatures, and the Government, though not legally constrained to abide by the Commissions' advice, is nevertheless answerable for its particular ignorance of the recommendations.

The President is empowered to increase or decrease the activities of the Commissions in consultation with them.

6

Conflicts with India

The Kashmir Dispute

According to the Plan of 3 June 1947, it was decided that on the withdrawal of British power, the sovereigntly of the Crown over the Indian states would lapse and they would be free to join India or Pakistan or remain independent.

However, Lord Mountbatten advised the princes on 25 July 1947 to accede to India or to Pakistan bearing in mind the geographical situation of their respective states, the composition of their population, and wishes of their people. But the question of three states became the subject of dispute, namely, (1) Junagadh, (2) Hyderabad, and (3) Kashmir. But here we will only deal with the dispute of the state of Jammu and Kashmir. This state has an area of 84,471 sq. miles. It is bounded on the north by Sinkiang and the narrow Wakhan strip of Afghanistan beyond which lies the Soviet Union. To its west and south-west is Pakistan, to the south-east is India and to the east is Tibet. Kashmir has 902 miles long border with Pakistan and with India 317 miles only. The three main rivers of West Pakistan—the Indus, the Jhelum, and the Chenab—have their sources in Kashmir. Kashmir is linked with the world by two roads and both lay through Pakistan. The rivers are very important for commerce and trade owing to the ruggedness of terrain in Kashmir where other means of communication are few. The means of all communication of Kashmir

open towards Pakistan.

The history of cultural ties between Pakistan and Kashmir is as old as the history of India itself. According to the Census of 1941, the total population of the state was 4,000,000 and 77% were Muslims. In the Kashmir province Muslims were 93%, in the Jammu province 61% and in Gilgit 100%. There have been inter-marriages between the Pakistanis and Kashmiris. Thus geographically, culturally, economically, religiously, Kashmir is a part of Pakistan.

History of Kashmir

The state of Jammu and Kashmir came into existence in 1846 as a result of the Treaty of Amritsar, and it was handed over to Gulab Singh, a chief of Hindu Dogra tribe, for the amount of Rs. 7,500,000. Lord Lawrence who sold this state to Gulab Singh commented, "The iniquitous arrangement by which Kashmir and its ill-fated inhabitants were to be transferred without their consent as though they were so many logs of wood to Gulab Singh, a dogra Rajput, who had nothing in common with them." Under this treaty Gulab Singh was considered to be an independent sovereign of the state of Jammu and Kashmir. Maharaja Partab Singh was the successor of Gulab Singh and later on Sir Hari Singh was the head of the state at the time of partition of the Indo-Pakistan subcontinent.

The people of the state were living in miserable conditions under the rule of these Maharajas. Public officers were appointed only from the Dogras or from the Hindus. The Muslims were suppressed and were not given any status in society. The Muslims of the state were always at the mercy of the Dogras and Hindus of the State. There was a state of lawlessness in the state during the reign of Dogra Maharajas.

It was quite clear that the people of the state of Jammu and Kashmir will rise against the rulers. Agitation started against the Maharaja's rule in early 1930 when the All-Jammu and Kashmir Muslim Conference was founded and a demand for basic political

rights was put forward. On this occasion, the Maharaja tried to suppress this movement and he used armed forces to crush the Muslims. They were fired at and sent to jails. Muslims from the Punjab and the Frontier Province went to Kashmir to help their Muslim brothers. Many of them were killed or arrested. Thus the first demonstrations by the Muslims were launched against the Maharaja. As a result of these demonstrations, some rights were restored to the people of Kashmir. A Legislative Assembly was created whose members were partly elected. In the first elections of the Legislative Assembly which were held in 1933-4, the Muslim Conference captured 16 out of 21 seats. In the elections of 1938, again, the Muslim Conference got 20 out of 21 seats. The Hindus and the Dogra Maharaja realised the political strength of the Muslims in the state of Kashmir. Now the leaders of the Muslim Conference changed their policy and decided to open their doors to the non-Muslims. The decision was finalised in 1939 and a new name was given to this organisation, viz. National Conference.

There were some Muslim leaders who did not appreciate this change, as they were doubtful about the loyalty of the Hindus. Generally, the Muslims believed that the Hindus would co-operate with them in the struggle for independence. It was quite late when the Muslims realised that they had been deceived. The Hindus of Jammu and Kashmir never wanted democratic government in place of the Maharaja's rule under which they were ruling the majority. All the non-Muslims who had joined this organisation were united and dominated the Muslim leaders even in their own organisation. Due to the influence of its non-Muslim members, the National Conference became an instrument of the Government. Besides, this organisation also gave its support to the Congress.

The Muslims were divided into two groups. The other group consisted of those Muslims who were disappointed with the National Conference. Most of the Muslim leaders left the National Conference in 1941 and again established the old Muslim Con-

ference under the leadership of Ghulam Abbas. Sheikh Muhammad Abdullah remained in the National Conference and has been at the forefront of the movement for freedom since 1931. Sheikh Abdullah continued his campaign to popularise the National Conference among the Muslim masses. But Sheikh Abdullah was disappointed because the Muslim masses loved the idea of Pakistan. They did not pay any attention to the National Conference. Sheikh Abdullah went to Delhi, met Mr. Jinnah, and explained the whole political situation of the valley. During the visit of Mr. Jinnah to Kashmir in 1944, he made public speeches in his praise, but Mr. Jinnah refused to recognise the National Conference as the representative body of the Muslims of Kashmir. Now Sheikh Abdullah turned to Pandit Nehru who visited Kashmir in 1945 to build up some prestige of the National Conference. The Muslims of Kashmir openly supported the idea of Pakistan and they received Pandit Nehru with black flags.

The Partition Plan was announced on 3 June 1947. After the announcement of partition, the President of the Congress, Acharya Kriplani, visited Kashmir and suggested to the Maharaja that he should continue as the head of the state as it was his private property. The Maharajas of Patialas, Faridkot, and Kapurthala also visited Kashmir after Kriplani. They tried to convince the Kashmir ruler for the accession of Kashmir to India. Later on Gandhi went to Kashmir and held talks about the future of Kashmir with the Maharaja. Obviously, the Government of India was trying for the accession of Kashmir to India. This view is further confirmed by the statement which Pandit Nehru made on 8 March 1949 before Parliament that all steps which he had taken in Kashmir had Gandhi's blessings. The Indian Government was determined to get Kashmir even by using force against Pakistan. Pandit Nehru stated on 26 September 1947, "If Pakistan Government persistently refused to see its error and continued to minimise it, the Indian Government will have to go to war against it." There were rumours in the state that the Maharaja would accede Kashmir to India, but the majority of the population of Kashmir

was in favour of accession to Pakistan. The Maharaja himself was aware of this fact, but he proved to be more loyal to the Congress than to his own people.

Under these circumstances, the Maharaja of Kashmir made a "Standstill Agreement" with Pakistan to avoid the possible disturbance in the life of the state. The Standstill Agreement between Kashmir and Pakistan: (*a*) debarred from having any relations with any country other than Pakistan, (*b*) under an obligation to accede to Pakistan, it would render Kashmir's accession to India invalid.

Lord Mountbatten had given an outline of the policy for accession of states to India or to Pakistan while addressing the princes of the states on 25 July 1947. He said: "Accede to India or to Pakistan, bearing in mind the geographical situation of the respective states, the composition of their population and the wishes of their people." But, contrary to the principles enunciated in this statement, the state of Junagadh which was a Hindu majority state ruled by a Muslim, acceded to Pakistan. The Hindu leaders did not accept this accession. The Indian Government's stand was that one person cannot decide the fate of the majority. Same was the case of the Hyderabad state which had a Hindu majority but a Muslim ruler, and wished to retain her independence. Here, again the Hindu leaders and the Indian Government came into action and refused to recognise Hyderabad as an independent state. They said that masses of the state were Hindus; therefore, Hyderabad was also a part of India. The Indian Government occupied the Hyderabad state by force.

On the other hand, the Kashmir state had Muslim majority and a Hindu ruler who acceded to India. This accession was not justified from any point of view, but the Indian Government took a new stand in the case of Kashmir. Here she laid more emphasis on the declaration of the Maharaja than on the importance of public opinion. The Indian Government refused to restore the right of self-determination to the Kashmiris.

In the end of July 1947, the Maharaja ordered the Muslim

population to deposit all arms. He also disarmed all the Muslim soldiers in his army.

This was followed by the entry of Rashtriya Swayam Sewak Sangh and Sikh murder gangs into the state of Jammu and Kashmir. The Government of Pakistan made an appeal to the Maharaja of Kashmir to protect the lives of the Muslim population, but he turned deaf ear towards it. Open fight burst out between the Maharaja troops and the freedom-fighters. But just after three months, the Maharaja's forces were defeated and Azad Kashmir Government was established under the supervision of Sardar Muhammad Ibrahim Khan.

Borrowing words from Richard Symonds, "As August 15 and the partition of India drew near, there were many meetings and demonstrations in Poonch in favour of Kashmir joining Pakistan. Martial Law was imposed and meetings fired on. After one such incident on August 27 in Nila But, Abdul Qayyum, a young zamindar, started the revolt with his few friends. Sensible men told me that they would never have joined such a rash enterprise but for the folly of Dogras who burnt whole villages where only a single family was involved in the revolt. Rapidly most of the Muslim ex-servicemen joined Qayyum and in six weeks the whole district, except for Poonch city itself, was in the hands of rebel leaders."

Ian Stephens, formerly Editor of the British-owned newspaper *Statesman* of Delhi and Calcutta, speaking of the fate of the Muslim population of Jammu records: "These half a million or so had almost totally disintegrated in the autumn of 1947. About 2,000,000 simply vanished being presumably butchered or killed by epidemics and exposure while seeking to get away. The rest had fled into Pakistan Punjab. Now the forces of the Maharaja were engaged with the patriots everywhere in the State and on 22 October Pathan and Frontier tribesmen entered into Kashmir."

In the Security Council, India charged Pakistan for sending these tribesmen into the territory of Kashmir. She described Pakistan as an aggressor in Kashmir. This was a baseless charge.

It was claimed by the Indian representative in the Security Council that the whole trouble in Kashmir was created by the tribesmen. He further said that there had been no killing of Muslims nor any Muslim was expelled before the entry of the tribesmen. This was a mere lie. Sir Zafrullah Khan justified the entry of tribesmen into Kashmir. He said, "That kind of thing could be expected of angels, but it cannot be expected of human beings. I will say that a man would be coward if, under these circumstances, he did nothing to help his brothers."

On 25 October at midnight the Maharaja left Kashmir and the Treaty of Amritsar was torn into pieces. The Dogra rule which was imposed by the British on Kashmir came to an end. The Maharaja took refuge in Jammu near the Indian border and wrote a letter on 26 October to Lord Mountbatten, the Governor-General of India. The Maharaja said: "Naturally they [the Government of India] cannot send the help asked for by me without my state acceding to the Dominion of India. I have accordingly decided to do so and I attach the instrument of accession for acceptance by your Government." The Maharaja concluded by saying, "I may also inform your Excellency's Government that it is my intention at once to set up an interim Government and ask Sheikh Abdullah to carry on the responsibilities."

On the next morning Lord Mountbatten wrote a letter to the Maharaja which he concluded by saying: "My Government and I note with satisfaction that your Highness has decided to invite Sheikh Abdullah to form an interim Government and to work with your Prime Minister." It should be kept in mind that this letter was written on 27 October, and on the same date at 9 a.m. airborne Indian troops had landed at Srinagar. In fact everything was pre-planned. Afterwards the Indian Government stated that the accession of Kashmir was a dispute between the rulers and the people of the state and that this dispute of accession would be solved according to the wishes of the people.

The Government of Pakistan protested against this unjustified

accession and also informed the Security Council that the Government of Pakistan had not accepted and could not accept the accession of the Kashmir and Jammu state to India. Pakistan considered this accession a violence and fraud. The Pakistan Government told the Security Council that it was a conspiracy of the Maharaja and the Indian Government against Pakistan. Pakistan also challenged the authority of the Maharaja who made this accession with India. The ruler had no right to decide the fate of his people who had already demonstrated against the ruler and had defeated his forces.

Earlier, in May 1946, Sheikh Abdullah was jailed for "Quit-Kashmir" movement. The purpose of this movement was to end the Dogra *raj* in the state. He was released on 22 September 1947. Some prominent leaders of India were friendly with Sheikh Abdullah and they proposed his name to the Maharaja for his appointment as Prime Minister of the state. After the release of Sheikh Abdullah, a campaign was started against all those people, groups, and parties who were against the accession of Kashmir with India. All the meetings of opposition, processions, and demonstrations were banned throughout the valley of Kashmir, while all those persons who were in support of accession with India were bribed by the Government. All the prominent leaders of the Muslim Conference who had gone to Karachi were refused re-entry into Kashmir. Mr. Mehr Chand Mahajan, a Hindu leader, was appointed as Prime Minister of the state.

Then Mr. M.A. Jinnah, the Governor-General of Pakistan, proposed a conference of the Governor-Generals and Prime Ministers of both the countries. It was decided to hold the conference on 29 October, but it was postponed later on due to the indisposition of Pandit Nehru. Mr. Jinnah met Lord Mountbatten on 1 November, and made a few proposals for solving the tangle, but these were not accepted by the Indian Government.

After some time, Pandit Nehru, while commenting on Jinnah-Mountbatten talks, stated that Lord Mountbatten had agreed to holding a plebiscite in Kashmir under the auspices of UNO. On 8

November 1947, Pandit Nehru said, the Government of India and Pakistan should make a joint request to the UNO to undertake a plebiscite in Kashmir at the earliest possible date.

Mr. Liaquat Ali Khan responded: "We are ready to request the UNO immediately to appoint its representative in Jammu and Kashmir State to stop fighting, to stop the suppression of Muslims in the state, to arrange the programme of withdrawal of forces, to set up an impartial administration of the state till a plebiscite is held, and to undertake the plebiscite under its direction, and control for the purpose of ascertaining the free and unfettered will of the people of the state on the question of accession."

Pandit Nehru objected to these proposals and insisted that Indian forces would stay in Kashmir. He further said that the plebiscite would take place under the control of the Indian Government, and observers of UNO will only act as advisers.

Sheikh Abdullah was never in favour of Kashmir becoming a part of India. He wanted that Kashmir should remain independent in internal affairs and Defence, Foreign Affairs and Communications Departments should be given under the control of the Government of India. He was given assurances by the Indian leaders that the future of Kashmir would be decided by her people.

A battle of words continued between Mr. Liaquat Ali Khan and Pandit Nehru. The Indian Government accused Pakistan for sending tribesmen into Kashmir and giving them aid. There was fight going on between the Indian troops and the Kashmiris. The area of Gilgit had been liberated by the freedom-fighters. After six weeks' battle, the Indian leaders realised that they could not get Kashmir by force. Then Pandit Nehru agreed to meet Mr. Liaquat Ali Khan. They had two meetings in December. Mr. Liaquat Ali Khan proposed that Mr. Nehru should request UNO to send a Commission to settle the dispute, but Pandit Nehru refused. He only agreed to request UNO for sending its observers. Later on India referred the case to the Security Council on the last day of

1947. Pakistan welcomed Indian decision.

The Indian representative in the Security Council said, "Such a situation now exists between India and Pakistan owing to the aid which invaders, consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining Pakistan on the north-west, are drawing from Pakistan for operations against Jammu and Kashmir, a state which has acceded to the dominion of India and is part of India."

The Indian representative carefully avoided to mention the revolt of Kashmiris against the Maharaja and the establishment of Azad Kashmir Government. The representative of Pakistan replied: "The Pakistan Government have continued to do all in their power to discourage the tribal movement by all means short of war." He denied that the Government of Pakistan has given any aid to the invaders. The Security Council passed a resolution asking for a cease-fire from 1 January 1949. Another resolution was passed by the Security Council in which it requested both the countries, India and Pakistan, to withdraw their forces from the state so that a free and impartial plebiscite may be held under the control of UNO to decide the future of Kashmir. India and Pakistan both agreed to appoint a Joint Committee which was to arrange the withdrawal of the forces. Pakistan nominated its representatives on 9 March 1949, but India did not honour its agreement. The UNO again presented its new proposals in August 1949 and requested India to honour its agreement, but India again refused to do so. Now the UN Commission found that India was not prepared to withdraw her forces.

Meanwhile many proposals were put forward to solve the tangle, but they failed due to the stubborn attitude adopted by the Indian Government.

Sir Owen Nixon was appointed as UN representative in July 1950, under the Security Council resolution. He put forward his proposals for demilitarisation which were rejected by both the parties. Lord Attlee proposed three alternatives during the meeting of the Commonwealth Prime Ministers in January 1951:

(1) a Commonwealth force; (2) a joint force of Indo-Pakistan; (3) a local force to be raised by the Plebiscite Administrator. Each one of these proposals was accepted by Pakistan and rejected by India. On 22 February 1951, the Anglo-American resolution was brought before the Security Council to submit the dispute for arbitration to the International Court. Pakistan showed its willingness, but India again refused.

Dr. Frank P. Graham was appointed as UN representative in Kashmir under the Anglo-American resolution of 30 March 1951. His mission also ended in failure. He, in his report on 19 October 1951, said that the Security Council should try for demilitarisation of Kashmir through negotiations. Dr. Graham was again requested to continue his efforts to obtain agreement from both the parties on demilitarisation. Dr. Graham resumed his talks with the Governments of Pakistan and India on 20 May 1952, but he failed to find out some compromising formula.

On 4 February 1953, negotiations between India and Pakistan began regarding the demilitarisation of Kashmir at Geneva and holding of the plebiscite. India refused to accept the proposals.

Mr. Muhammad Ali, ex-Prime Minister of Pakistan, and Pandit Nehru met in London in June 1953 to discuss all their disputes and decided to meet again in Karachi. Mr. Nehru came to Karachi in the last week of July. Mr. Nehru said before departure that "we all know Kashmir is the toughest problem and there is no good in my saying that it is nearer to a solution". Mr. Muhammad Ali also visited India and discussed the Kashmir problem. Both the Prime Ministers accepted the importance of the dispute and again promised that the future of Kashmir will be decided by the Kashmiris themselves through a plebiscite. It was decided that a committee of experts will be appointed which will advise the Prime Ministers. It was also decided to appoint a Plebiscite Administrator to examine the situation and then report. The Indian Prime Minister afterwards declared that "we want to maintain friendly relations with Pakistan, we will solve all problems

peacefully". But, on the other hand, "Abdullah coup" was engineered and he was dismissed from the premiership of held Kashmir on 8 August 1953. Afterwards, he was arrested.

The main factor for Abdullah's dismissal was his refusal to act according to the wishes of the Indian Government. His removal was hailed in India, but the world press condemned it. Sheikh Abdullah was succeeded by Bakhshi. The Government of India and its puppet Government created such a situation in Kashmir that UN authorities could not make any positive effort for holding of the plebiscite. On 14 May 1964, the Indian Government accepted the Constituent Assembly's decision of February 1954 for the ratification of "Accession to India". The Indian Home Minister, Govind Valabh Pant, said on 9 July 1955, "We made certain statements when Kashmir acceded to India but when we made those statements circumstances were different from what they are now. The time factor is very important, many things have happened since then."

Mr. Nehru, while addressing the Lok Sabha, said that Kashmir had acceded to India and it was the duty of the Indian Government to protect it from any foreign aggression.

He said that the question of holding a plebiscite in Occupied Kashmir is now out of date. He gave the following reasons for this:

(1) U.S. military aid to Pakistan.
(2) Economic development of the state.
(3) Creation of the Constituent Assembly in Occupied Kashmir.
(4) Pakistan's membership of SEATO and CENTO Pacts which he considered an open threat to India.

Mr. Muhammad Ali, the then Prime Minister of Pakistan, rejected the statement that Pakistan's membership of SEATO and CENTO Pacts and U.S. military aid was a threat to India and it had changed the position of the Kashmir problem. He also charged India for encouraging communal trouble in Bengal. Pakistan now again decided to take the case to the Security Council.

The Government of Pakistan requested the Security Council on 2 January 1957 for its meeting at the earliest convenience and drew the attention of the Security Council to its resolutions after 13 January 1949, in which assurance was given that the future of Kashmir will be decided by a free and impartial plebiscite to be held under the control of UN.

On 14 February 1957, Britain, Australia, Cuba, and U.S. submitted a resolution to the Security Council requesting Mr. Gunner V. Jarring of Sweden to go to India and Pakistan to discuss the Kashmir problem with both the Governments and study the prospects for sending UN Military Force. On 20 February 1957, the Soviet Union vetoed the resolution. But just after the veto, the U.S., Britain, and Australia drafted a Second Resolution which was adopted on 21 February 1957. Mr. Gunner V. Jarring visited India and Pakistan in March-April 1957 and held discussions with Indian and Pakistan leaders on the Kashmir problem. Mr. Jarring submitted his report on 29 April 1957 to the Secretary-General, stating that Pakistan had accepted his proposals while India had rejected it.

Meanwhile India started a new movement, encouraging the Hindus to settle in Kashmir. The Indian Government offered loans to the settlers. The Indian Government also constructed its airbases in the valley and Ladakh. Airfields were renovated and expanded to rcceive the large-sized civil and military aircraft.

This matter was also reported to UN on 6 June 1957 by the Pakistan Government.

The Kashmir dispute again came up for discussion before the Security Council on 24 September 1957. Pakistan's Foreign Minister promised to withdraw the forces if UN strong forces occupied the area and if India reduced its forces to the number which was prescribed in UN resolution of 23 December 1952. Dr. Graham visited Pakistan and India in February 1958, and he submitted his report to the President of the Security Council which was released in Pakistan on 3 April 1958. In the fifth part of his report, he said that the Government of Pakistan accepted all the

proposals in principle while India rejected all of them. Meanwhile Sheikh Abdullah was released on 8 January 1958, after a prolonged detention of four and a half years without any trial, but was again arrested in Srinagar on 29 April 1958. On 15 June 1958, it was decided by the Central Kashmir Liberation Committee to launch a peaceful crossing into Held Kashmir. Ch. Ghulam Abbas was arrested on his way to cross the cease-fire line.

Martial Law was imposed in Pakistan in October 1958. President Ayub Khan showed keen interest in the Kashmir problem. He said, "We have to continue the struggle for the liberation of the state of Jammu and Kashmir. In no case can we give up that struggle." On 6 October 1960, President Ayub Khan said, "Our communication, our rivers, and even the cease-fire line in Kashmir one and all, are sufficient factors to indicate that our neck is in the grip of others." A joint communique was issued in November 1962 by the President of Pakistan and the Prime Minister of India in which a ministerial level conference was proposed to resolve the main differences over Kashmir. The delegates of India and Pakistan held six meetings between December 1962 and May 1963, but nothing came out of it. Mr. Z.A. Bhutto said, "We have clarified our proposal that the valley should be internationalised as an interim arrangement, say, for six months. Thereafter the wishes of the people should be determined regarding futute dispension."

The Pakistan Government reported to the UN Security Council about the Indian merger move of Held Kashmir, but the Security Council could not take any effective step. When the people of Kashmir demonstrated against the move, the Indian President proclaimed Emergency in May 1965, under Articles 356 and 357 of the Indian Constitution, in the state of Jammu and Kashmir. In January and March 1965, the Assembly passed the "Integration Bill" and gave Kashmir the status of a province of India. The Integration Bill and the imprisonment of Abdullah sparked the uprising in the early days of August. As a result, the freedom-fighters of Kashmir started the war of liberation. Then

the Government of India charged Pakistan for sending infiltrators in Kashmir. India crossed the border and occupied the Kargil post on 15 August 1965 on the Pakistan side of the cease-fire line. Mr. Chawan declared on 15 August that Indian forces had crossed the cease-fire line on two points. Indian artillery shelled a Pakistani village, Awan Sharif, on 24 August without giving any ultimatum. The Indian armed forces crossed the international border on 6 September 1965 and attacked Lahore from three sides. In fact, the Indian leaders were so sure of their success that the fall of Lahore was announced in India. Mr. Chawan told the House that the Indian forces had entered Lahore city.

Mr. Bhutto, Foreign Minister of Pakistan, requested the Security Council for its meeting on 22 September 1965. Mr. Bhutto stated, "Although Pakistan considered the 20th September Resolution unsatisfactory, it would accept the cease-fire for the sake of peace and for solving the Kashmir dispute, the main cause of the conflict." The cease-fire was concluded on 23 September 1965 at 3 a.m. West Pakistan time. President Ayub addressed the General Assembly on 13 December 1965. He made an offer to India for a no-war pact after the settlement of the Kashmir dispute. The world press hailed this statement of the President.

The following is the text of the resolution submitted by the representative of the Netherlands and adopted by the Security Council:

"Having considered the reports of the Secretary-General for his unrelenting efforts in furtherance of the objectives of Security Council's resolution of 4th and 6th September;

"Having heard the statement of the representatives of India and Pakistan; noting the differing replies by the parties to an appeal for a cease-fire as set out in the report of the Secretary-General (S/6683) but noting further with concern that no cease-fire has yet come into being;

"Convinced that an early cessation of hostilities is essential as a first step towards a peaceful settlement of the outstanding differences between the two countries on Kashmir and other related matters;

"1. Demands that a cease-fire should take effect on Wednesday 22 September 1965 at 0700 hours GMT and calls upon both Governments to issue orders for a cease-fire at that moment and a subsequent withdrawal of all armed personnel back to the position held by them before 5 August 1965;

"(2) Requests the Secretary-General to provide the necessary assistance to ensure supervision of the cease-fire and withdrawal of all armed personnel;

"(3) Calls on all States to refrain from any action which might aggravate the situation in the area;

"(4) Decides to consider, as soon as operative paragraph 1 of the Council resolution 210 of September has been implemented, what steps could be taken to assist towards a settlement of the political problem underlying the present conflict and in the meantime calls on the two Governments to utilise all peaceful means including those listed in Article 33 of the Charter to this end;

"(5) Requests the Secretary-General to exert every possible effort to give effect to this resolution to such a peaceful solution and to report to the Security Council thereon."

As a result, the war which was imposed by India on Pakistan came to an end. Cease-fire was announced.

Meanwhile, the Russian Government offered her services to mediate the dispute between India and Pakistan. Both the parties accepted the good offices. Mr. Kosygin, Prime Minister of Russia, sent a letter to President Ayub. The text is as follows:

"In developing its offer of good offices to both sides the Soviet Government is submitting the following proposals for the consideration of the Governments of Pakistan and India to hold on our territory a meeting in which you Mr. President and the Prime Minister of India would take part to establish a direct contact in order to achieve agreement on re-establishment of peace between Pakistan and India. If desired by both sides, the Chairman of the Council of Ministers of the U.S S.R. could also take part in this meeting. Such a meeting could be held in Tashkent, for instance, or any other city in the Soviet Union.

"One thing is important—to meet and start negotiations. It is important that the guns become silent and the blood of the two fraternal peoples ceases to flow. Each new day of the armed conflict produces new complex problems which above all can impose a heavy burden on the peoples of Pakistan and India."

Both the Governments agreed to meet at Tashkent. The Indian and Pakistani delegations had many rounds of talks at Tashkent. Finally, they agreed to establish good neighbourly relations with

each other. Thus Pakistan and India agreed to the Tashkent Declaration on 10 January 1966, and Soviet Union signed this declaration as a witness.

The following is the text of the Tashkent Declaration by President Ayub Khan of Pakistan and the late Prime Minister Lal Bahadur Shastri of India.

"(1) The Prime Minister of India and the President of Pakistan having met at Tashkent and having discussed the existing relations between India and Pakistan hereby declare their firm resolve to restore normal and peaceful relations between their peoples. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

"(2) The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighbourly relations between India and Pakistan in accordance with the United Nations Charter.

"(3) They reaffirm their obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means. They consider that the interests of peace in the region and particularly in the Indo-Pakistan subcontinent and, indeed, the interests of the peoples of India and Pakistan were not served by the continuance of tension between the two countries.

"(4) It is against this background that Jammu and Kashmir issue was discussed, and each of the sides put forth its respective position.

"(5) The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be withdrawn, not later than 25 February 1966 to the positions they had prior to 5 August 1965, and both sides shall observe the cease-fire terms on the cease-fire line.

"(6) The Prime Minister of India and the President of Pakistan have agreed that relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each other.

"(7) The Indian Premier and the President of Pakistan have agreed that both sides will discourage any propaganda directed against the other country and will encourage propaganda which promotes the development of friendly relations between the countries.

"(8) The Prime Minister of India and the President of Pakistan

have agreed that the High Commissioner of India to Pakistan and the High Commissioner of Pakistan to India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both Governments shall observe the Vienna Convention of 1961 on diplomatic course.

"(9) The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications as well as cultural exchanges between India and Pakistan.

"(10) The Prime Minister of India and the President of Pakistan have agreed that they give instructions to their respective authorities to carry out the repatriation of the prisoners of war.

"(11) The Prime Minister of India and the President of Pakistan have agreed that both the sides will continue the discussion of questions relating to the problems of refugees and evictions of illegal immigrations. They also agree that both sides will create conditions which will prevent the exodus of people. They further agree to discuss the return of the property and assets taken over by either side in connection with the conflict.

"(12) The Prime Minister of India and the President of Pakistan have agreed that both sides will continue meetings both at the highest and at other levels on matters of direct concern to both countries. Both sides have recognised the need to set up the joint Indo-Pakistan bodies which will report to their Governments in order to decide what further steps should be taken.

"(13) The Prime Minister of India and the President of Pakistan record their feelings of deep appreciation and gratitude to the leaders of Soviet Union, the Soviet Government and personally to the Chairman of the Council of Ministers of U.S.S.R. for their constructive, friendly, and noble part in bringing about the present meeting which has resulted in mutually satisfactory results. They also thank the Government and the people of Uzbekistan in their sincere thankfulness for their overwhelming reception and generous hospitality. They invite the Chairman of the Council of Ministers of the U.S.S.R. to witness this declaration."

After signing this declaration President Ayub told the Press Reporters of the *Tass, Pravada* and *Izvestia* that he considered it as a "good beginning for the establishment of normal and neighbourly relations between Pakistan and India."

Rann of Kutch

Fighting between Pakistani and Indian forces broke out on 9 April 1965 in the Rann of Kutch, on the frontier between the Indian state of Gujrat and West Pakistan, and continued at intervals until the end of the month when a *de facto* cease-fire came into effect. Through the mediation of British Government a formal cease-fire agreement was signed on 30 June which provided for talks between the two Governments at ministerial level and the reference of their territorial claims to a Tribunal if no agreement was reached. At the Indian Government's suggestion the proposed ministerial talks were cancelled on 18 August and it was agreed to refer the question at once to a tribunal.

The Rann (desert) of Kutch covers an area of about 84,000 sq. miles. It was a navigable lake in ancient times. Its present form is the result of an earthquake in 1819, when it was shut off from the waters of Indus. During the monsoon season (May to October) it is normally flooded both by high tides and swollen rivers. It is uninhabited. Pakistan has included a section of the Rann in the vast line to be surveyed for off-shore drilling by an American oil company.

The Rann lies in the frontier area between the former princely state of Gujrat (now part of Gujrat) and the former province of Sind (now included in West Pakistan). The Indian Government claims that the whole of the Rann formerly belonged to Kutch and hence became part of India when the state acceded to the Indian Union in 1947. In support of this claim, it cites maps and other official documents issued between 1811 and 1947, when Sind was under British rule, and maintains that the boundary was finally delineated in 1914, following a dispute between Sind and Kutch. The Pakistan Government, on the other hand, claims that about 3,500 sq. miles of the Rann lying north of the 24th Parallel— were formerly under the control and administration of Sind: It also contends that Rann is a land-locked sea or boundary lake, and that under the international law boundary must run through the middle of the area; this argument is rejected by India on the

ground that the British Government of India formally decided in 1906 that it was more correct to define the Rann as a marsh than as a lake.

Following a clash between the Indian troops and Pakistani police in the Rann of Kutch and a series of incidents on the Punjab border it was decided in 1956 to demarcate the border between India and West Pakistan. Although the agreement was reached on the Punjab-West Pakistan border and the boundary demarcated in 1960, the Kutch-Sind boundary dispute remained undecided, and it was agreed in January 1960 to collect further data and to hold discussions later with a view to reaching a settlement. No such discussions took place. The Pakistani forces, however, established a permanent post on 25 March in a ruined fort of Kanjarkot Ding whereupon the Indian border forces established posts at Sardar (within about 1000 yards of Ding) and Vigokot in addition to their existing post at Chhad Bet. The Government of Pakistan, on the other hand, maintained that Indian forces had attempted to reinford with Pakistani forces patrolling a track which they had used for several years and had intruded in Pakistan territory to set up their two new posts, and that Ding and Kanjarkot were also on Pakistan territory.

An exchange of notes between two Governments, each of which invited the other to enter into discussion, took place in February and March. Whereas the Indian Government contended that only the modalities of dealing with the problem of demarcation on the ground needed to be discussed, the Pakistan Government maintained the dispute concerning the location of frontier, and that the problem of border demarcation is subsequent to that of definition. A Pakistani note of 7 April protested against the alleged infiltration of Indian troops into the area, while an Indian note of the following day requested Pakistan to abandon the two posts which it had set up and protested against the alleged concentration of Pakistani troops along the border.

Fighting broke out in the Rann of Kutch on 9 April for the first time since 1956. Heavy Pakistani artillery fire, however,

forced the Indian police garrison to withdraw to Vigokot four miles to the south-east. The border police was subsequently replaced by Indian regular troops, which re-occupied Sardar on the following day. The Pakistan Government maintained the claim that the Indian forces had launched an attack on Pakistani forces on 9 April in an attempt to dislodge them from their positions but had been beaten back.

Further fighting occurred on 12 April, a Pakistani statement alleging that Indian troops supported by tanks made a full-scale attack on Kanjarkot. Sporadic exchange of fire continued at intervals throughout the next ten days.

The Pakistan Government proposed on 10 April that talks should be held on the situation, first at official and subsequently at ministerial level.

On 13 April the Pakistan Government proposed that there should be a cease-fire followed by a meeting at official level on the restoration of *status quo ante.* This was accepted on the following day by the Indian Government, which suggested that cease-fire should come into force on 15 April.

Fighting had meanwhile broken out again on 23 April when more than 25,000 infantry, supported by tanks and heavy artillery, attacked a sixty-mile front stretching from Ding in the west to Chhad Bet in the east. The heaviest fighting occurred between the Indian posts of Biar Bet and Chhad Bet. It was admitted by India that the garrison had subsequently evacuated the position which was occupied by the Pakistanis two days later. The Pakistani forces made little attempt to advance beyond Biar Bet, and after 30 April a *de facto* cease-fire existed.

An Indian Government spokesman alleged on 25 April that Pakistan had ordered mobilisation of her armed forces on the previous day; this was denied by Pakistan's Foreign Minister that the report was the part of the war hysteria being built up by India.

The Government of India announced on 18 May that Indian casualities in the fighting were 15 killed, 41 wounded, and

37 missing, which was far less than the correct number. Pakistani sources stated on 29 April that about 20 Pakistanis had been killed.

Alleged Use of US Arms by Pakistan

The Indian Defence Minister released on 28 April photographs said to have been taken by an Indian airman two days before between Biar Bet and Point 84, which showed American 45-ton Patton tanks being used by the Pakistan forces. It was stated that copies of the photographs had been passed on to the State Department. The Pakistan Government denied on 29 April that it had used tanks in the Rann of Kutch and alleged that US ammunition had been found in positions evacuated by the Indian Army.

As both sides were agreed on the simultaneous cease-fire and restoration of the *status quo*, ministerial talks and reference of the question to a tribunal if these failed, the disagreement between India and Pakistan centred on two points at this stage:

(1) Restoration of the *status quo* as on 1 January would mean the withdrawal of all Pakistani forces from the Rann of Kutch, leaving the post at Chhad Bet in the possession of the Indian Border Police. Pakistan, however, maintained that either both sides should withdraw their forces or Pakistan should also retain a post in the disputed area.

(2) Whereas India maintained that the only question at issue was the demarcation of an established traditional boundary, Pakistan insisted that India should recognise the existence of a territorial dispute.

In an attempt to bridge this gap further messages from the British Prime Minister, Mr. Wilson, were delivered on 10, 15 and 27 May. In its replies the Pakistan Government accepted the principle of restoration of *status quo* only on condition that all border issues between India and Pakistan were discussed, and that all Indian forces were withdrawn from Pakistan borders. Both these proposals and Pakistan's demand to retain a post in

Kutch were firmly resisted by late Mr. Shastri, who told the Congress Parliamentary Party Executive on 6 June that Pakistan had to vacate the Rann of Kutch. He further said, "They cannot remain in any of the posts they have established in Kanjarkot, Biar Bet or Point 84. The restoration of the *status quo* means the position as it obtained on 1 January 1965. India has also made it clear that the Kutch problem had to be settled before other border problems were taken into consideration."

Conclusion of Cease-Fire Agreement

Following the discussions in London a final draft agreement was prepared by the British Government and submitted to India and Pakistan on 27 June. It was approved by both Governments on 28 June and formally signed on the following day by Mr. Azim Hussain, Secretary to the Indian External Affairs Ministry, and Mr. Arshad Hussain, Pakistan's High Commissioner in Delhi. (Mr. Arshad Hussain and Mr. Azim Hussain are first cousins.) The agreement provided for a cease-fire from 1 July and withdrawal of all troops within seven days; the restoration of *status quo* as on 1 January, ministerial discussions on the demarcation of border; and if these were unsuccessful the reference of the question to an impartial tribunal whose decisions would be final. The wording of the agreement was as follows:

"Whereas the Governments of Pakistan and India have agreed to a cease-fire and the restoration of the *status quo* as at 1 January 1965, in the area of Gujrat-West Pakistan border, in the confidence that it will also contribute to a reduction of the present tension along the entire Indo-Pakistan borders; whereas it is necessary that after the *status quo* has been established in the aforesaid Gujrat-Pakistan border area, arrangements should be made for the determination of demarcation of the border in that area;

"Now, therefore, the two Governments agree that the following actions shall be taken in regard to the said area:

Article I

"There shall be an immediate cease-fire with effect from 00·30 hours G.M.T., i.e. 05·30 hours W.P.S.T. (06·00 I.S.T.) on 1 July 1965.

Article II

"(1) On the cease-fire:

all troops on both sides will immediately begin to withdraw;

"(2) This process will be completed within seven days;

"(3) Indian Police may then occupy the posts on Chhad Bet on strength no greater than employed at the post on 31 December 1964;

"(4) Indian and Pakistani police may patrol on the tracks on which they were patrolling prior to 1 January 1965, provided that their patrolling will not exceed in intensity than what they were doing prior to 1 January 1965, and during the monsoon period will not exceed in intensity than done during the monsoon period of 1964.

"(5) If the patrols of India and Pakistan Police should come into contact they will not interfere with each other, and in particular will act in accordance with West Pakistan-Indian border ground rules agreed to in January 1960.

"(6) Officials of the two Governments will meet immediately after the cease-fire and from time to time thereafter as may prove desirable, in order to consider whether any problem arises in the implementation of the provisions of paragraphs (3) to (5) and to the settlement of any such problems.

Article III

"(*i*) In view of the fact that:

"(*a*) India claims that there is no territorial dispute as there is a well-established boundary running roughly along the northern edge of the Rann of Kutch as shown in the pre-partition maps, which needs to be demarcated on the ground;

"(*b*) Pakistan claims that the border between India and Pakistan in the Rann of Kutch runs roughly along the 24th Parallel, as is clear from several pre-partition and post-partition documents, and therefore the dispute involves some 3,500 miles of territory;

"(*c*) At the discussions in January 1960 it was agreed by the ministers of the two Governments that they would each collect further data regarding the Kutch-Sind boundary and that further discussions will be held

later with a view to arriving at a settlement of this dispute:

"As soon as officials have finished the task referred to in Article 2 (*vi*) which in any case will not be later than one month after the cease-fire, ministers of the two Governments will meet in order to agree on the determination of the border in the light of their respective claims, and the arrangements of its demarcation. At this meeting and at any proceedings before the tribunal referred to in Article 3 (*ii*) and (*iv*) below each Government will be free to present and develop their case in full.

"(*ii*) In the event of no agreement between the ministers of the two Governments on the determination of the border being reached within two months of the cease-fire the two Governments shall, as contemplated in the joint communique of 24 October 1959, have the recourse to the tribunal referred to in (*iii*) below, for the determination of the border in the light of their respective claims, and the evidence proved before it, and the decision of the tribunal shall be final and binding on both the parties;

"(*iii*) For this purpose there shall be constituted within four months of the cease-fire, a tribunal, consisting of three persons, none of whom would be a national of either India or Pakistan. One member shall be nominated by each Government and the third member, who will be the Chairman shall be jointly selected by the two Governments. In the event of the two Governments failing to agree on the selection of the Chairman within three months of the cease-fire, they shall request the UN Secretary-General to nominate the Chairman;

"(*iv*) The decision of the tribunal referred to in (*iii*) above shall be binding on both Governments and shall not be questioned on any grounds whatsoever. Both Governments undertake to implement the findings of the tribunal in full as quickly as possible and shall refer to the tribunal for decision any difficulties which may arise between them in the implementation of these findings. For that purpose the tribunal shall remain in being until its findings have been implemented in full."

In accordance with the terms of the agreement, the withdrawal of Indian and Pakistani troops from the Rann of Kutch began on 1 July and was completed on 8 July, the military

garrison of Chhad Bet being replaced by Indian Border Police. Indian and Pakistani Police officials reached agreement on 29 July on arrangements for police patrolling in the border area.

It was agreed on 29 July that the Foreign Ministers of India and Pakistan should meet in New Delhi on 20 August to discuss the dispute and that if they failed to reach an agreement it should be referred to a tribunal by the end of October. Mr. Shastri announced in the Lok Sabha on 18 August, however, that a message had been sent to the Pakistan Government suggesting that in view of the deteriorating relations between the two countries (a reference to the situation in Kashmir) there was little likelihood of an agreement and that the question should be referred at once to a tribunal. Pakistan's reply, delivered on 18 August, expressed regret at India's unilaterial decision, but said Pakistan had no alternative but to accept the Indian suggestion.

It was officially announced on 22 December 1965 that UN Secretary-General, Mr. U. Thant, had nominated Mr. Gunnar Lagergren as Chairman of the Rann of Kutch Tribunal.

Previously it had been announced on 7 October that the Pakistan Government had designated Mr. Nasrollah Entezam, a former Persian Foreign Minister and President of the General Assembly in 1950-51, as its nominee on the tribunal; and on 26 October that the Government of India's nominee was Mr. Alois Bebler, an eminent Yugoslav jurist and a judge of the Constitutional Court of Yugoslavia.

First Meeting of the Rann of Kutch Tribunal

The arbitral tribunal, to settle the dispute between India and Pakistan over the Rann of Kutch, held its first meeting in Geneva on 15 February 1966 under the chairmanship of Judge Gunnar Lagergren of Sweden, the other members being Mr. Alois Bebler of Yugoslavia and Mr. Nasrollah Entezam of Persia. Mr. Manzoor Qadir appeared before the Tribunal on behalf of Pakistan. It is expected that a few more sittings of the Tribunal would be held to consider all the aspects of the case. There is little hope for the earlier announcement of the Tribunal's decision regarding the Rann of Kutch Dispute.

Verdict of Kutch Tribunal

Several meetings of the Rann of Kutch Tribunal were held. Arguments from both parties were heard. At last on 19 February 1968, the much-awaited decision of the Tribunal was announced in Geneva.

According to the decision of the Kutch Tribunal, Pakistan has been awarded 10% of the disputed territory of 3500 sq. miles. The territory which has been given to Pakistan includes the areas of Pirol Valu Kun, Chhad Bet, Dhara Banni, Kanjar Kot and Nagar Parkar inlets. The most important part of it is Chhad Bet and Kanjar Kot for the possession of which India used force against Pakistan in 1956 and 1965. Now both these areas have been awarded to Pakistan. It means that Pakistan's case was vindicated by the Tribunal.

The decision of the Tribunal has been criticised on the basis that India has been given bigger share and the settlement is based on expediency than on justice. But even then, Pakistan has accepted the verdict of the Tribunal with an open heart. Despite the injustice to Pakistan not even a single voice was raised against the decision or its implementation. President Ayub in his First-of-the-Month broadcast said that Pakistan has to accept the Rann of Kutch Award in accordance with our undertaking irrespective of the fact whether it was good or bad. He added that the Tribunal Award was binding on Pakistan and India as the Rann of Kutch Tribunal was set up with the agreement of the two countries. Pakistan's Foreign Minister, Mr. Sharif-ud-Din Pirzada, declared that the Award was binding on both countries who were committed to its immediate implementation in full. He said that it was an example of peaceful settlement of international disputes. It appears that Pakistan seeks satisfaction in the fact that the Award would at least settle a long-standing border dispute between two neighbouring countries. The precedence thus set up might help in solving the Kashmir dispute also. But the second notion does not appear to be realistic.

In India, the reaction was usual. The decision of the Tribunal was met with mad hysterics and an open threat of refusing to go along with the Award. Demonstrations against the Award were

reported in certain parts of India. But it was encouraging that the Lower House of the Indian Parliament endorsed India's acceptance of the Award on 28 February by rejecting a censure motion against the Government.

The Award stipulated a meeting between officials of the two countries within a fortnight of the announcement of the Award. Accordingly, it was decided that representatives of Pakistan and India would meet in Delhi on 4 March to discuss steps for the implementation of the Kutch Award by actual fixation of pillars on the ground.

Pakistan named Mr. M. Allauddin, Field Survey Director of Pakistan, as Pakistan's representative who was to be in overall charge of the demarcation of the Kutch boundary. He was to be assisted by a few other members.

The first meeting of Pakistani and Indian officials was held on 4 March at New Delhi to discuss the means of transferring to Pakistan about 350 sq. miles on the Rann of Kutch against a background of extrème nationalist demonstrations over the "illegal surrènder of our sacred territory". Four members of the Lower House of the Indian Parliament were also arrested in connection with staging demonstrations.

Meanwhile, it was reported that the two delegations have agreed that preliminary work for demarcating the new boundary between Pakistani and Indian Kutch district would start at the end of March. They also agreed on the number of the boundary markers and the places where they were to be erected. At the same time, rumours were quite strong in India that she might appeal to the International Court of Justice against the Geneva Award.

It is, however, to be seen whether the Indian Government implements the Award or continues delaying it by using her usual tactics. Under the terms of the Tribunal, the Tribunal is to continue to exist as long as the Award is not implemented. The cost of the demarcation work is to be shared by both the countries.

7

Economics of Pakistan

Robbins says, "Strictly speaking, all economic life involves planning – to plan is to act with a purpose, to choose, and choice is the essence of economic activity." Planning must have a well-defined purpose. The ultimate aim of economic plans is to develop the resources of a country and to raise the standard of living of its people. The aim of planning in Pakistan is to secure economic security for all people and to balance disparity between the two wings. The First and Second Five-Year Plans have made great contribution towards the achievement of these objectives.

Second Five-Year Plan (1960-65)
Main Objectives

(1) To increase the national income by 24% and per capita income by 10% which would provide the base for national income being doubled by 1975.

(2) To increase the production of foodgrains by about 21% and achieve self-sufficiency in food by 1965.

(3) To increase foreign exchange earnings by about 15%.

(4) To increase large-scale industrial production by about 60% and the production in small industries by about 25%.

(5) To accelerate the economic growth of relatively less developed areas.

(6) To provide about three million new job opportunities.

(7) To cover the entire country by the V-AID organisation and closely integrate it with the institution of Basic Democracies.

(8) To increase the number of children in primary schools by 54% and in secondary schools by 30%. Six new universities including four technical universities will be set up.

Size of the Second Five-Year Plan

The total size of Rs. 2,300 crores has been determined on the basis of an assessment of available resources. The Planning Commission envisages a doubling of the existing national income in the Fourth Plan. As a stepping stone to that goal, the Second Plan aims at the achievement of 24% increase in national income. The achievement is considered to be essential.

The proposed investment of Rs. 2300 crores in the Second Plan is about 113% higher than the First Plan. Of the total of Rs. 2300 crores, Rs. 1462 crores will be spent in the public sector and Rs. 838 crores in the private sector.

Priorities

The Second Plan has given the highest priority to agriculture. Programmes for increasing agricultural production have been designed to remove the existing shortage of food. The Plan aims at attaining self sufficiency in food by the end of 1965. It is estimated that foodgrains production would increase by 21%.

Second priority is given to industrial production. The value added by industrial production is expected to rise by 60% in large and medium industry and by 25% in small and cottage industry. Basic industries will be encouraged and special emphasis would be laid on the development of small and cottage industry.

Thirdly, economic overheads like water and power and transport and communication will have to be further developed in order to support the increases envisaged in agricultural and industrial production.

Fourthly, the Plan gives a high priority to education and training. Health and social services are also to be expanded. Housing facilities are to be provided to low income groups. An emphasis on family planning to arrest the growth of population is also an important part of the plan.

Strategy of the Second Plan

The strategy of the Plan means the ways of achieving the objectives of the Plan.

Firstly, regarding the strategy for increased production in agriculture, emphasis has been laid on programmes of self-sufficiency in food and development of water programmes.

Secondly, the strategy for rapid increase in industrial production is to be achieved through the better utilisation of existing resources and production capacity.

Thirdly, the Plan puts greater reliance on market mechanism than on direct control on price, profit, and investments.

Fourthly, the Plan seeks to encourage the private sector. Industries have been reserved for private sector.

Fifthly, the Plan aims at economising the use of foreign exchange.

Sixthly, the Plan proposes to raise domestic savings of 7·8% in the Second Plan. An important strategy of the Plan is to save 25% of the increase in per capita income for investment during the Second Plan period.

A Review of the Progress of the Second Plan

Pakistan's economy achieved a growth rate double the population increase during the five-year period ending mid-1965, showing one of the fastest growth rates in the world. The country's economy achieved a growth rate of 28·4%, while the Plan had envisaged an increase of 24%.

The average compound rate of growth of gross national product during the Plan period works out at 5·2% annually—almost twice as high as the population increase which was 2·6% per year. The per capita income at constant prices increased from Rs. 318 in 1959-60 to Rs. 359 in 1964-65, an increase of 12·9%, and an annual compound rate of growth of 2·4% against the Plan target of 11% in spite of the fact that the growth rate of population has been 2·6%—compared to less than 1·8% assumed in the Plan. There was some decline of growth rate during 1964-65 to 4·1%—because of a decreased production of jute and cotton due to adverse

climatic factors. The target of total expenditure has also been exceeded.

According to an economic survey, "It is estimated that the Second Plan will terminate in June 1965, with a total expenditure of Rs. 2,633 crores—Rs. 333 crores more than the Rs. 2,300 crores target. The private sector accounted for the excess expenditure."

While the financial targets of the Plan have been exceeded in the water and power and transport and communication sectors, the implementation of physical planning and housing and health programmes showed some shortfalls with manufacturing, mining, and education sectors only moderately behind the average. Shortfalls also occurred in agriculture and social welfare programmes.

During the Second Plan, the investment rate increased from 10·5% of the GNP in 1959-60 to 18·5% in 1964-65. The rate of domestic savings increased from 6·9% of the GNP of 1960-61 to 10·2% in 1964-65.

A very significant thing was the rise of export earnings by Rs. 200 crores to Rs. 1,325 crores as against the Plan target of Rs. 1,125 crores – showing a rise of 7% per year. The Plan estimated the rise at 3% only. As a result, dependence on foreign assistance was lower than originally estimated.

The food situation in Pakistan during 1964-65 showed divergent trends. The price of rice in East Pakistan remained on low side because of successive good crops during 1963-64 and 1965. In West Pakistan wheat prices remained high due mainly to static production. The price of sugar, vegetable oil, and vanaspati ghee showed a rising trend because of world market trends.

The high growth rate in manufacturing output, which has characterised this sector for the last several years, was maintained during 1964-65. The index of manufacturing output stood at 157·6 in the last quarter of 1964. Practically, all the major industries contributed to this increase. Notable increase was recorded in the case of tea, vegetable oils, paper, board, and steel re-rolling. Industries which suffered some decline were sugar, jute goods, and

chemical fertilisers.

Pakistan received $?,110 million as foreign assistance excluding the assistance for Indus Basin Replacement Works from 1 July 1960 to 31 March 1965. Of this total $424 million were received in grants and $1,863 million in loans.

Third Five-Year Plan (1965-1970)
Objectives

(1) To attain a rapid growth of the national economy with a view to ensuring a break-through to self-sustained growth in the shortest possible time. It is proposed to aim at a minimum increase of 37% in gross national product at constant prices over the Third Plan as compared to 29% in the Second Plan. The annual rate of increase is projected at 6·5% per annum in the Third Plan as against 5·2% in the Second Plan.

(2) To reduce the degree of inter-regional and intra-regional disparity. It is proposed to reduce the existing level of disparity in income per head between East and West Pakistan by increasing total income by 40% and 35%, respectively, in the two regions.

(3) To provide at least 5·5 million new job opportunities to absorb the entire increase in the labour force during the next five years as well as reduce the existing level of unemployment by over one-sixth.

(4) To strengthen the balance of payments of the country by increasing the country's foreign exchange earnings at a rate faster than the GNP and by driving ahead with import substitution. It is expected that the country's earnings of foreign exchange will reach a level of Rs. 4,800 million by 1970 compared with about Rs. 3,050 million at the end of the Second Plan.

(5) To develop basic industries for the manufacture of producer goods so that the requirements of further industrialisation can be met mainly from the country's own capacity.

(6) To accelerate the transformation in agriculture which is now taking place by placing the highest priority on measures to increase water availability and use of fertilisers, by maintaining strong farm incentives, and by strong support for the entire range

of agricultural programmes.

(7) To arrest the menacing growth of population by taking decisive steps towards population control.

(8) To provide better housing, more health services, and greater facilities for education, especially for the lower income groups.

(9) To make substantial progress towards achieving certain specific social objectives such as diminishing inequalities in the distribution of income, wealth, and economic power, providing a measure of social security and promoting social and cultural change conducive to accelerate economic expansion.

Strategy of the Third Plan

(1) The annual average growth rate achieved in the Second Plan is estimated at 5·2%, but the rate of growth is accelerating and the period is expected to end with a target growth rate of 5·7%. It is desirable and feasible to accelerate this growth rate to 6·5% over the Third Plan period. The acceleration will come mainly from the agricultural sector where the growth rate is likely to increase from an average of 3·5% in the Second Plan to 5·0% in the Third.

(2) The pattern of growth in the Third Plan is mainly an extention of the Second, with the crucial difference that agriculture is expected to play a far more dynamic role in future than it has in the past. The mainspring of this growth will be the tremendous increase projected in the inputs for the agricultural sector, especially the availability of water, fertiliser, and credit. The Third Plan projects an annual increase of 5·0% in agriculture, 10·0% in industry, and about 7·1% in other sectors.

(3) The overall capital-output ratio is expected to rise from an estimated 2 : 3 at the end of the Second Plan to 2 : 6 at the end of the Third.

(4) The Third Plan envisages an increase of about 68% in the development expenditure over the five-year period, an annual compound rate of about 11%.

(5) The share of public and private sectors in total invest-

ment continues to be about the same as that actually implemented in the Second Plan. The role assigned to public and private sectors is different in the two regions. The public sector will play a much larger role in East Pakistan. This is particularly evident in the field of industry where about half of the investment is to be managed by the East Pakistan Industrial Development Corporation. A definite effort will be made in the course of the Third Plan to stimulate private investment in East Pakistan.

(6) It is estimated that during the Second Plan the country saved about 22% of the additional income. The Third Plan postulates a marginal rate of saving of 22% which will raise the average saving rate to 13·6% by the end of the Plan.

(7) There are four main elements in the strategy for mobilising domestic savings:

(*i*) First, it is clear that the distribution of national product in the Third Plan should be such as to favour the saving sectors. The saving effort so far has been identified almost exclusively with large-scale industry. The pattern of growth in the Third Plan envisages that over one-third of the additional output will be in agriculture. The policies contemplated in the Third Plan aim at a more equitable distribution of incomes. Both these developments will imply that saving effort has to be squeezed out of sectors which traditionally have not made a sizable contribution to the overall rate of savings.

(*ii*) Second, it is expected that industry will contribute nearly one-fifth of the additional national product during the Third Plan.

(*iii*) Third, the import system has been geared in favour of development imports so that about 63% of additional imports during the Third Plan will consist of capital goods and raw material for capital goods. This means that the additional exports of Rs. 6750 million proposed for the Third Plan will be transferred mainly into investment through the balance of payments mechanism.

(*iv*) Finally, an effort will be made during the Third Plan period to increase the Government's fiscal contribution to development. Government revenues are expected to rise by 70% during the Third Plan, about twice the rate of increase in the GNP. At the same time the revenue surplus will increase from 25% to 32% of Government's revenues. The Government's marginal rate of saving from its revenue will be over 40%.

(8) The main aim of the balance of payments strategy in the Third Plan is to prepare the economy for a gradual reduction in the need for foreign assistance and to move towards greater economic stability. There are three main elements in this strategy:

(*i*) Firstly, it is proposed that exports should increase. The planned rate of increase in exports is 9·5% per annum.

(*ii*) Secondly, the import substitution effort will have to be intensified.

(*iii*) Finally, it is necessary to economise on the use of foreign exchange by developing our appropriate technology adapted to the resources endowment of the country.

(9) The disparity in regional per capita incomes must be removed over the Perspective Plan period, by 1985. The Third Plan proposes an increase of 40% in the regional income of East Pakistan and 35% for West Pakistan, compared to 30% and 28%, respectively, in the Second Plan. This implies greater acceleration in the rate of growth of East Pakistan than that of West Pakistan. It is estimated that a development expenditure of Rs. 27,000 million in East Pakistan and Rs. 25,000 million in West Pakistan can achieve the proposed growth rates given appropriate policies.

(10) Regarding employment strategy, it is expected that the Third Plan will not only absorb the additional labour force but would cut the back-lag of unemployment by about 17%. It is expected that by the last year of the Third Plan there will be about 5·5 million additional jobs.

(11) Of the total allocation, as much as 26% is earmarked for industry and nearly two-thirds of this will be spent on capital

goods industries and intermediate products.

Size of the Plan

A development programme of Rs. 52,000 million is proposed for the Third Five-Year Plan. The suggested development expenditure is expected to lead to our annual rate of growth of 6·5% compared with 5·2% during the Second Plan period and the target of an average rate of 7·2% for the Perspective Plan.

The development programme of the public sector is proposed to be Rs. 30,000 million and of the private sector Rs. 22,000 million.

First Year of the Third Five-Year Plan

The target of the Third Five-Year Plan was a growth rate of 5·5% in the gross national product as against 5·2% in the Second Plan. According to preliminary estimates of gross national product, the growth rate of the economy was 5·2% in 1965-66 compared to 4·6% in 1964-65. This is a quite satisfactory achievement in view of the September War and drought in 1965-66. But, no doubt, this growth rate is 1·3% less than the target.

The Third Plan contemplated a marginal rate of savings of 22%. It was anticipated that this marginal rate of savings will raise the average saving rate to 13·6% by the end of the Third Plan as against 10% during the Second Plan. The gross domestic saving during 1965-66 are estimated at Rs. 5190 million or about 10·2% of the Gross National Product. The reduction of savings in 1965-66 was mainly due to the drop of Rs. 192 million in public sector.

The Third Plan envisaged a total development outlay of Rs. 52 billion. The size of the public sector programme was fixed at Rs. 30 billion and that of private sector at Rs. 22 billion. The Plan expenditure was expected to rise to 19·4% in the Third Plan. The annual growth rate of investment was estimated at 11%. The total gross domestic investment was 16·3% of the GNP when it was 16·1% to 18·4% during the Second Plan.

The magnitude of external resources was estimated at Rs. 13·5 billion being 45% of the total outlay as against 53% in the

Second Plan.

The total foreign financing in 1965-66 amounted to Rs. 1800 million as against the annual level of Rs. 1488, million in the Second Plan. This was 52·6% of the total resources as against 50·7% of the total resources in the Second Plan. The growth rate of external resources was 21% as against the target rate of 18·2%.

The total resources, both internal and external, grew at a rate of 16·6% as against the target growth rate of 24%.

One of the most important objectives of the Third Plan is to reduce the country's dependence on foreign aid. The total foreign exchange earnings in 1965-66 amounted to Rs. 3500 million, a rise of 13·5% over the previous year. The rate of growth was about 4% more than the target set by the Plan.

Problem of Disparity

Inter-regional disparity is a great domestic problem of Pakistan, President Ayub has expressed his determination to remove the economic disparity in these words: "One of the fundamental objectives of our policy is to bring about a better cohesion between East and West Pakistan in all fields—economic, political, and social." The Constitution of Pakistan has also promised the removal of disparity. According to Article 145, Clause (4), a primary objective of the Plan formulation shall be to ensure that the disparities between the provinces are removed and that the resources of Pakistan are used and allocated in such a manner as to achieve that objective in the shortest possible time.

In fact, the problem of disparity in Pakistan has its roots in the past. Regional disparities often take place in countries during the early phases of economic growth. Even before the partition of the Indo-Pakistan subcontinent, the area now comprising East Pakistan was more neglected than the area now known as West Pakistan. East Pakistan was completely dependent on Calcutta for its exports and imports due to absence of harbour facilities. No development scheme was planned for East Pakistan. The result was that, on the establishment of Pakistan, the two wings started

from different levels of development. During the period preceding the First Plan, no effective effort could be made to ensure balanced development of the country as a whole.

It was the First Plan which took serious notice of the existing disparity and emphasised the need for accelerating the development of East Pakistan. One of its basic aims was to increase rapidly the rate of development specially in East Pakistan and other relatively less developed areas. It was the beginning of a new period to bring about balanced development in both wings of Pakistan.

The Second Plan also envisaged to accelerate the pace of economic development in East Pakistan. The Second Plan proposed 30% increase in regional income of East Pakistan as compared to 28% of West Pakistan. The total development expenditures for 1964-65 were projected at Rs. 205 crores for East Pakistan as compared to Rs. 195 crores for West Pakistan. Acceleration in East Pakistan has been particularly fast during the Second Plan period. It is estimated that during the first ten years (1949-50 to 1959-60) the regional income of East Pakistan increased at an annual rate of 2·0% as compared to 2·8% of West Pakistan. But in the first four years of the Second Plan, the regional income of East Pakistan increased by 4·9% and that of West Pakistan by 4·7%.

The present Government has made the removal of disparity a constitutional obligation. The Constitution requires the National Economic Council to submit its report every year to the National Assembly containing the results and progress made in achieving the objective of removal of economic disparity. The Third Five-Year Plan (1965-70) aims at implementing this constitutional provision to maximum extent. The Perspective Plan (1965-85) promises elimination of disparity between the two wings. In the Third Plan, Rs. 27,000 million are allocated for East Pakistan and Rs. 25,000 million for West Pakistan to be spent as development expenditure. The Third Plan proposes an increase of 40% in the regional income of East Pakistan and 35% for West Pakistan. This implies greater

acceleration in the rate of growth of East Pakistan than in that of West Pakistan. In this way, the Third Plan is expected to reduce the current disparity between East and West Pakistan by about one-fifth.

The present Government is trying its level best to solve this problem. It is hoped that disparity would be eliminated by 1985.

The Role of Foreign Aid in the Development of Pakistan's Economy

Foreign aid has played a vital role in each of the four distinct stages in the development of Pakistan's economy. The four stages are:

(*i*) The Colombo Plan (1951-57).

(*ii*) The First Five-Year Plan (1955-60).

(*iii*) The Second Five-Year Plan (1960-65).

(*iv*) The Third Five-Year Plan (1965-70).

(*i*) Foreign aid financed about 60%, i.e. Rs. 255 crores out of the total amount of Rs. 463 crores spent during the Colombo Plan. A sum of Rs. 45 crores, out of Rs. 135 crores, given for the first three years of the Plan, was spent on the settlement of refugees. The rest helped in the expansion of large-scale industries, transportation, tele-communication, and thermal power. Foreign aid helped in establishing the V-AID (Village Agricultural and Industrial Development) Department, and assisted PIDC in building paper, jute, and cement mills, shipyards, chemical plants, and the Sui Gas pipeline. It improved Pakistan's balance of trade position by the end of June 1957 as the exports exceeded the imports by Rs. 58·8 crores.

(*ii*) During Pakistan's first systematic economic plan (1955-60), foreign aid constituted 60% of the total expenditure (Rs. 1080 crores). The aid was received in the form of grants and loans (Rs. 385 crores), private foreign investment (Rs. 50 crores), food aid (Rs. 177 crores) from U.S.A. and U.K.

The foreign assistance helped in achieving a 15% rise in GNP, extension of hydro-electric power (342,000 kW-906,000 kW), reclamation of one million acres of land for cultivation, and improve-

ment of 1400 miles of roads. It aided PIDC in setting up more jute and woollen mills, chemical plants, and engineering projects.

(*iii*) Foreign aid financed 48% of Rs. 2300 crores spent during the Second Five-Year Plan. The aid was partly intended: (*a*) to meet foreign exchange costs (Rs. 845 crores) of the developmental projects and partly (*b*) at making the balance of payments position favourable.

The countries and agencies which forwarded aid were U.S.A., U.K., W. Germany, World Bank, IFC, and IDA.

Some of the outstanding achievements of the Plan were: 29% instead of aimed 24% rise in GNP, 95% rise in industrial growth rate, 5·5% rise in agricultural growth rate, 5% reduction in inter-wing disparity and provision of three million jobs.

The U.S. P.L.-480 Funds (Public Law—480 Funds) helped to prevent the outbreak of food shortage in the country, by providing food aid, annually, worth Rs. 30 crores. It also helped WAPDA to reclaim millions of acres of land and to construct dams and barrages.

(*iv*) It is expected that foreign aid will finance 32% of the total expenditure (Rs. 5200 crores) in the Third Five-Year Plan. Out of the total $3·2 billion or Rs. 1600 crores, of aid, Rs. 1400 crores will come in the shape of project and commodity loans. The total aid given for the first years of the Plan is $550 million. A notable feature about the aid is that Socialist and Communist countries, like China (interest-free loan of $60 million), Russia ($100 million), Yugoslavia, etc., are extending aid for the execution of Pakistan's economic plans. The loans will be repaid in amounts of Rs. 30 crores, annually, in addition to interest which is 10% of our foreign exchange.

The foreign aid will help in attaining ambitious objectives like 37% rise in GNP, 25% removal of inter-wing disparity, expansion of producer goods industries.

The dependence on foreign aid has considerably decreased, and will be completely eliminated by the end of the Perspective Plan (1985).

The total foreign aid received till March 1965 from Capitalist countries (U.S.A., W. Germany, U.K., Japan, Canada, and France) was $3·4 billion, from Socialist and Communist countries (U.S.S.R , China, Yugoslavia, Italy) was $2 billion, and from international agencies was $·5 billion.

Foreign Trade

Trade with foreign countries has assisted in the development of Pakistan's economy in two main ways:

(*i*) It has enabled Pakistan to import raw materials, capital goods, machinery for the establishment and growth of industry, power, transportation, and communication.

(*ii*) It has opened markets for Pakistani exports of raw materials like jute and cotton, and manufactured goods.

The increase in agricultural output, reclamation of land from waterlogging and salinity, establishment of cotton, woollen, chemical, jute, sugar, and other industries, building of roads, dams, barrages, houses, railways, bridges in the country were attained only through the imports of raw materials, capital goods, mechanical equipment, technical assistance from foreign countries. One big problem faced by the economy is that of lack of foreign exchange to meet import costs. The Government measures as regards solution of this problem have been:

(*a*) devaluation of currency in 1955, to boost up exports, earn greater foreign exchange, and hence to eliminate the "deficit" in the balance of payments;

(*b*) establishment of the Export Promotion Bureau;

(*c*) introduction of Export Bonus Scheme in 1958, and Export Credit Committee Scheme in 1962;

(*d*) reduction of freight charges;

(*e*) entering into regional alliances, as RCD Alliance (July 1964), and Indonesia-Pakistan Economic and Cultural Co-operation;

(*f*) concluding bilateral and multi-lateral trade accords.

Pakistan has made thirty-seven trade agreements till 31 March

1965 and about seventeen barter deals till March 1966. Recent commercial trends indicate that Pakistan has withdrawn complete concentration of trade agreements from the Western *bloc*, by entering into several trade agreements with the "Socialist" and "Muslim" *blocs*. This policy of diversification has been taken in order to fetch more favourable prices for exports from the Socialist *bloc* than from the Western *bloc*.

Some of the significant trade pacts made with (*i*) Western *bloc*, (*ii*) the Socialist and Communist *bloc* and (*iii*) Muslim *bloc* were:

(*i*) *Western Bloc* (U.K., U.S.A., E.C.M. countries, Sterling Area countries). In April 1951, Pakistan had a Financial Agreement with Britain. In 1963-64, Pakistan's imports from and exports to U.K. constituted 14% and 14·8% of Pakistan's total imports and exports.

In 1962, Pakistan signed a Friendship and Commerce Pact and in February 1965 a Trade Pact with U.S.A.

In 1963-64, Pakistan's exports to U.S.A. were 3·5% of total exports, and imports were 2·27% of total imports.

Imports and exports to E.C.M. countries (France, Italy, Belgium, Netherlands, Luxemburg, W. Germany) were 18·78% and 14·4%, respectively, of Pakistan's total imports and exports.

Japan and India have had ten trade agreements, each, with Pakistan till 1965.

(*ii*) *Socialist and Communist Bloc.* In 1963-64 total exports to the Socialist and Communist *bloc* formed 6·52% of Pakistan's total exports, and imports from this *bloc* formed 3·2% of Pakistan's total imports.

The first barter deal with U.S.S.R., in 1965, envisaged exchange of Pakistan's raw jute, raw cotton, jute and cotton manufactures, *basmati* rice and leather footwear for Russia's pig iron, cement, railway slippers, and workshop equipment. Another barter deal with U.S.S.R., in December 1966, encourages the export of *basmati* rice against import of trucks, jeeps, road construction and agricultural machinery.

Two barter agreements with Poland, in 1965, envisage the exchange of Pakistan's raw jute, raw cotton, textiles for Poland's iron and steel products, mining equipment, coal and coke, chemicals, marine diesel engines, and road and building construction machinery.

A barter deal signed with China, in March 1966, will facilitate the exchange of jute and cotton for coal.

Similar sort of barter deals have been concluded with Bulgaria, Czechoslovakia, Hungary, Yugoslavia, and Rumania, between April 1965 and March 1966.

(*iii*) *Muslim Bloc.* A Pak-Jordanian trade agreement was concluded in August 1965, under which Pakistan will exchange woollen and cotton textiles, electrical equipment, and foodstuffs for minerals like rock and super phosphate.

The Indonesia-Pakistan Economic and Cultural Co-operation (IPECC) came in September 1964. Co operation under IPECC covers communication (shipping and air services), banking, insurance, news media, and technical co ordination.

A Summit Agreement between Iran, Pakistan, and Turkey, known as "Regional Co-operation for Development" was signed on 21 July 1964. Till June 1966, this "Regional Co-operation" has produced common communication (RCD shipping service), agreement on abolition of *visa* for travel, RCD Insurance Centre at Karachi, establishment of RCD Chamber of Commerce and Industry, and conclusion of bilateral trade accords between Turkey and Pakistan.

Trade agreements have also been made with African states of Egypt, Sudan and Tanzania.

Summary of the Re-phased Third Plan

The Third Five-Year Plan approved by the National Economic Council in May 1965 involves a total expenditure of Rs. 52,000 million.

It envisages an expenditure of Rs. 30,000 million in the public sector and Rs. 22,000 million in the private sector. It aims at

increasing the Gross National Product by 37% creating 5·5 million additional job opportunities, reducing inter-regional disparities by 20% and leading the economy in the direction of self-sustaining growth.

The postponement of the Consortium meeting and the outbreak of hostilities with India in 1965 necessited a reduction of the annual development programmes in 1965-66 and 1966-67.

The re-phasing of annual outlay during the remaining period of the Plan and the revised sectoral priorities and allocations are directed to the object of maintaining the size, basic objectives, and main targets of the Plan.

Shortfall

The annual re-phasing of the Plan was necessitated primarily because of the shortfall in public sector in the first year of the Plan from Rs. 4700 million to Rs. 3420 million.

This shortfall will be made up through acceleration of annual outlay during the remaining period of the Plan as will be evident from the following table:

Government-financed sector (million rupees)

Year	*Original Phasing*	*Revised Phasing*
1965-66	4,700	3,420
1966-67	5,300	5,000
1967-68	6,000	6,000
1968-69	6,700	7,100
1969-70	7,300	8,480
Total	30,000	30,000

A part of the responsibility assigned earlier to the public sector has been transferred to the private sector. A number of industrial projects for which investment demand has developed in the private sector have been transferred from the public sector. The Industrial Investment Schedule is being revised to accommodate these changes. In Agriculture Sector, the tubewell programme in West Pakistan would be largely financed by the private sector.

Net Size Unchanged

The Plan had originally estimated a shortfall of about Rs. 4500 million in the public sector and had, therefore, indicated gross allocations totalling Rs. 34,500 million to various sectors against the expected net expenditure of Rs. 30,000 million. In carrying out the revision in allocations, the gross size has been reduced to Rs. 31,000 million. However, the net size remains unchanged at Rs. 30,000 million.

The revised sectoral allocations are given in the table below in million rupees.

Sector	*Original Allocation*	*Revised Allocation*
Agricultural	4,670	4,115
Water and Power	8,400	8,047
Industry, Fuels and Minerals	5,168	4,105
Transport and Communication	6,460	6,711
Physical Planning and Housing	3,025	2,477
Education and Training	2,730	2,374
Health	1,330	1,174
Social Welfare	125	90
Manpower	100	86
Works Programme	2,500	1,820
Total	34,5C0	31,000
Expected Shortfall	4,500	1,000
Total: (Net)	30,000	30,000

Power Sector

In the revised sectoral allocation, while public sector allocation to agriculture has come down, larger allocations have been made to the power and transport sectors. The allocation for the water sector has also been substantially maintained.

The industrial sector has absorbed a substantial part of the

reduction in public sector outlays as it was possible to transfer a number of projects to the private sector. The new strategy is to aim at consolidation of existing units based on fuller utilisation of the installed capacity, coupled with a selected expansion in the export-oriented and agriculture-based industries.

The reduction in the allocation of agriculture in public sector is explained by the reduction of rate of subsidy on fertiliser in West Pakistan. The growing popularity of fertiliser in rural areas has made it possible for the Government to reduce the rate of subsidy in West Pakistan and transfer greater responsibility for this programme to the private sector. This has resulted in a substantial saving in public sector allocation and promoted the formulation of a much larger fertiliser distribution programme at a lower cost.

Both in agriculture and industry, the programmes have been readjusted to protect the growth rate despite some reductions in financial outlays.

Cornerstone

This improvement in capital-output ratio to be achieved by postponing long gestation projects, greater use of improved technology for the development of agriculture and a full utilisation of installed industrial capacity will be the cornerstone of Pakistan's new development strategy.

An important objective of the Third Plan is to further accelerate the tempo of development in East Pakistan. The Plan had originally visualised that, of the public sector programme of Rs. 30,000 million, Rs. 16,000 million will be spent in East Pakistan and Rs. 14,000 million in West Pakistan, and that the private sector investment of Rs. 22,000 million will be shared equally between the two provinces. This edge in favour of East Pakistan has been retained and slightly improved in revised allocations. In the revised operational programme of Rs. 31,000 million in the public sector, Rs. 16,600 million are being allocated to East Pakistan and Rs. 14,400 million to West Pakistan, East Pakistan's share is thus 53·5%

Total Outlay

The Plan originally estimated that the total outlay of Rs.52,000 million will be financed to the extent of Rs. 16,000 million of 32% by foreign assistance and 68% by domestic resources. The availability of pledges in the first two years of the Plan from Consortium countries was about 40% less than expected, but a part of the shortfall was made up by larger assistance from non-Consortium sources. If the level of assistance in the next three years is restored to that originally anticipated, total pledge during the Plan period would be almost equal to the original projections.

However, the country's export prospects are more favourable than originally expected. Larger exports will provide some cushion against any shortfall in the availability of foreign assistance.

The Plan had originally visualised a gap in domestic resources of Rs. 2500 million of which Rs. 1500 million were expected to be filled by deficit financing depending upon the prevailing monetary situation. On the basis of the revised projection of resources, the gap in the domestic resources required for the public sector programme is Rs. 4000 million. During the first two years of the Plan deficit financing which has already taken place is estimated at Rs. 1700 million. The Plan expects that if the expected growth rate in the economy, particularly in agriculture, is achieved, generation of domestic resources should not be difficlut to meet the gap.

The Plan, however, assures that the desire to fulfil investment targets will not be allowed to supersede the paramount need for monetary and price stability in the economy.

8

Regional Co-operation for Development (RCD)

Pakistan came into existence in August 1947 as the result of long struggle of the Indian Muslims for a separate state where they could live in a position to lead their lives in accordance with the Islamic principles. It has been the basic principle of Pakistan's foreign policy to develop and maintain deep brotherly relations with all Muslim states right from the day it came into being. Iran and Turkey never missed any occasion to come to assist Pakistan in the hour of need. They have been allies in SEATO and CENTO. All the three sister Muslim states are strongly bound by sound cultural, historical, and religious ties. The peoples of the three countries share a common heritage and have deep affection. There was a strong feeling that appropriate ways and means should be adopted to enlarge and develop further co-operation in all fields for the common benefit of the peoples of the entire region comprising of these three states.

Centuries-old relations, deep love, common religion, strong brotherly feelings and common civilisation of the peoples of Pakistan, Iran, and Turkey provided a sound basis for co-operation in social, cultural, economic, and all other fields for the equal progress and prosperity of the peoples. This reaffirmed the belief of the heads of these states that the regional co-operation was a natural factor in accelerating the pace of national development and in contributing to peace and stability.

It was in this background that Pakistan, Iran, and Turkey came to the conclusion that they should set up a regional organisation to be named Regional Co-operation for Development, briefly known as RCD. This organisation came into being to accelerate the pace of development in the three sister states and to achieve collaboration among them, particularly in the economic field. This significant decision was signed on 21 July 1964 at the historic city of Istanbul in the famous Qolambache Palace, on the southern tip of the Bosphorus Strait which separates Asia from Europe, where once the Caliphate functioned. Istanbul itself was the most suitable city for such parleys because of its most inspiring history. This beautiful city of palaces and mosques, of magnificent hills and rolling waters inspired the leaders of the three sister states to work for higher objectives. The top statesmen of Pakistan, Iran, and Turkey assembled for a while on the fine morning of 21 July 1964 to shape a new pattern of relationship based on regional collaboration and inspired by a new concept of Muslim nationalism. Perhaps there could not have been a better place to ponder over the past and to work out the future of the people living in these countries. The decision was announced in a joint communique issued on 23 July 1964 simultaneousy from Karachi, Teheran, and Ankara. According to this communique, they agreed in principle:

(1) To free movement of goods through all practical means such as conclusions of trade agreements;

(2) To establish closer collaboration among the existing Chambers of Commerce and eventually a joint Chamber of Commerce;

(3) To the formulation and implementation of joint-purpose projects;

(4) To reduce the postal rates between the three countries to the level of internal rates;

(5) To improve the air-transport service within the region and eventual establishment of a strong and a competitive international airline among the three countries.

(6) To investigate the possibilities of securing close co-operation in the field of shipping, including establishment of a joint maritime line or "conference" arrangements;

(7) To undertake necessary studies for construction and improvement of rail and road links;

(8) To promote tourism and sign an agreement for this purpose at an early date;

(9) To abolish visa formalities among the three countries for travel purposes; and

(10) To provide technical assistance to each other in the form of experts and training facilities.

It was also decided to explore all possibilities for expanding co-operation in the cultural field among countries of the region. The establishment of cultural centres and joint sponsoring of an institute for initiating studies and research on their common cultural heritage is the part of this programme. The observers are of the view that the Istanbul Conference was a great step forward because it had brought into existence a permanent Ministerial Council which would meet regularly and by turns in the capitals of the member countries. The declaration that the three countries would be pleased to consider participation of other countries is very significant and indicates the spirit of the Agreement and its regional character. It was, indeed, a definite beginning of an event which had been and is moving very rapidly. Actually at no international conference results had been achieved so quickly as at the tripartite talks among Pakistan, Iran, and Turkey.

Administrative Organisation

The following organs have been established:

(1) *The Ministerial Council.* The Council is composed of Foreign Ministers along with other ministers of their respective Governments to take appropriate decisions on matters of common interest.

(2) *The Regional Planning Committee.* The Committee consists of the heads of planning organisations dealing with matters con-

cerning the regional collaboration and harmonisation of development plans.

(3) *The Secretariat.* The Secretariat was established in Teheran on 29 August 1964 under the dynamic leadership of H. E. Dr. Fuad Rouhani as its Secretary General. Iran has offered to provide necessary arrangements for the establishment of the Secretariat including accommodation.

Achievements

The formation of multilateral development projects has been most encouraging. Nine RCD groups on Petroleum, Trade, Insurance, Banking, Air-transport, Shipping, Rail and Road Communications, Posts and Telegraphs, Tourism and Cultural Co-operation, charted out several "joint-purpose projects". A brief description of the progress made so far in these fields is given below.

Petroleum

Joint efforts would be made in exploration, production, refining and marketing of petroleum. Iran showed readiness to extend its co-operation. Exchange of petrochemical products should commence approximately within two years or so. Four new items including glycerine and acetone are also included.

Joint-purpose Enterprises

It was decided that the member countries should prepare feasibility studies on nineteen industries. Studies on eight have been completed and others are at various stages of preparation.

Trades

This is one of the key fields in regional co-operation. It is hoped that intra-regional trade would expand. The RCD Chamber of Commerce and Industry has started functioning. Exploratory studies are being carried out.

Banking and Insurance

It was decided to set up three re-insurance pools, one in each country, to reduce foreign exchange outflow on insurance services. It was also recommended that one or two banks in each country should study feasibility and viability in this connection. Three regional re-insurance pools comprising (*i*) Marine (hull and cargo)

to be managed by Pakistan, (*ii*) Fire to be managed by Turkey, and (*iii*) Accident to be arranged by Iran, are being set up. The RCD Insurance Centre has started functioning at Karachi.

Technical Co-operation and Public Administration

A comprehensive programme has been prepared. It envisages provision for training of 49 Iranians, 50 Pakistanis, and 40 Turks.

Tourism

A number of measures have been undertaken to promote tourism such as joint tourist offices, joint publicity, preparation of joint publications.

Information

Arrangements have been made for the exchange of news, films, and documentaries. A joint documentary film is being produced. Iran is to be the Convener of the Committee on Information.

Air-transportation

The three national airlines will intensify co-operation by *inter alia* appointing each other as their general sales agents. The PIA and Iran Air started operating their jet services through Istanbul in October 1966.

Shipping

Arrangements for setting up of RCD shipping services have been completed. They started functioning in April 1966.

Posts, Telegraphs, and Telecommunications

It was decided that the inter-regional rates would be reduced to the level of internal rates. The decisions have almost been implemented.

Railways and Roads

The road links between the three countries would be completed by target date of 1968.

Cultural Co-operation

The Regional Cultural Institute at Teheran will undertake systematic research in the common historical and cultural heritage of the three countries of the region.

Common Market for RCD States

The members may form a common market for further promotion of trade ties.

It is evident that the guide-lines have been set and the concept of working together is crystallising into a more tangible form. Within a short time, the economic and cultural activities under the aegis of RCD have gathered a wonderful momentum. There has been a marked and significant progress in the planning, organisation, and implementation of RCD work. Given a reasonable time of peace and a measure of patient dedication such as the three nations have demonstrated so far, it should not be long before the regional co-operation for progress and prosperity visualised by Iran, Pakistan, and Turkey will become a living reality and a model for others in redressing the wrongs inflicted by time and fiats of industrially advanced countries. The RCD augurs well and reflects the strong and indivisible bonds which unite the three countries. It symbolises a relationship that goes far beyond material and economic co-operation. It manifests a deeper philosophy of kinship and brotherhood.

9

Indonesia-Pakistan Economic and CulturalCo-operation

Relations between Pakistan and Indonesia have always been friendly and cordial. The present Government took further practical steps to strengthen the bonds of friendship between both the countries. President Ayub also paid a visit to Indonesia. The visits of the heads of both the countries have made valuable contribution to the growing friendship between Pakistan and Indonesia. Pakistan decided to enter into a bilateral trade and cultural co-operation with Indonesia on the pattern of RCD. It is hoped that such pacts as RCD and IPECC would bring Pakistan closer to Indonesia, Turkey, and Iran.

A Conference on Economic and Cultural Co-operation between Pakistan and Indonesia was held in Karachi from 1 March to 8 March 1965, the delegations being, respectively, led by Haji Muhammad Hassan, Indonesia Minister for State Revenues, Financing, and Auditing, and M.A. Said Hassan (Deputy Chairman of the Pakistan Planning Commission). The Conference took a number of decisions. The following joint communique was issued on 8 March 1965:

"The Conference has taken concrete decisions to accelerate the economic and cultural co-operation between the two countries. There was complete agreement on such co-operation being fostered to the maximum possible extent. It was stressed that the development of the economic ties . . . would bring the two countries

closer together in the light of the Bandung spirit and Afro-Asian solidarity. The development of the cultural co-operation ... will also lead to closer understanding amongst their peoples .... The decisions taken cover a broad range of subjects—trade, joint ventures, shipping, air-transportation, films, cultural co-operation, technical assistance, co-operation between news media, and organisational arrangements ...."

Trade Protocol

This envisaged an increase in Pakistani exports to Indonesia during 1965 to about Rs. 50,000,000 (£3,750,000) compared with only Rs. 6,200,000 (about £450,000) in 1963-64, and in the Indonesian exports to Pakistan to a minimum of Rs. 25,000,000 compared with only Rs. 1,500,000. Pakistani exports would include raw cotton, cotton yarn, grey shirting, chemicals and pharmaceuticals, raw materials, and engineering goods, such as machines, tools, and leather goods, electric motors, diesel engines, pumps, electric bulbs, and telephone and telegraph equipment. Indonesia exports would include copra, sugar, timber, rubber, pepper, cofee, and spices.

Special payment arrangements are agreed for exports under the protocol, which would be in addition to a credit of US $10,000,000 to cover Pakistani exports of raw cotton, cotton yarn, grey cloth, and certain jute products.

The Karachi Conference followed a visit to Pakistan from 1 to 19 February of the Indonesian Foreign Minister, Dr. Subandrio, who during his stay in Rawalpindi had talks on closer co-operation between the two countries with President Ayub Khan and Mr. Shoaib, then Finance Minister of Pakistan.

Creation of Organisation for Economic and Cultural Co-operation

Following ministerial discussions between Indonesia and Pakistan which opened in Jakarta on 18 August it was announced on 20 August 1965 that both countries had decided to set up a joint organisation for economic and cultural co-operation covering the following spheres:

(1) Expansion of trade through all practical means such as

special trade and other arrangements;

(2) Formulation and promotion of joint ventures;

(3) Close co-operation in the field of shipping and including the establishment of cargo liner services;

(4) Improvement of air-transport services within the region, including joint services operated by Garuda Airlines of Indonesia and Pakistan International Airlines Corporation;

(5) Technical co-operation between the two countries;

(6) Development of cultural co-operation, in order to strengthen the historic ties of religion, culture, and traditions that bind the two countries. This would be done through the establishment of cultural centres and chairs in Indonesian and Pakistani studies, exchange of delegations of educationists, scientists, and cultural leaders, visiting professors, exchange of artists, holding of exhibitions of art and culture, and sports tournaments;

(7) Co-operation between news media ond radio organisations;

(8) Co-operation in banking and insurance, particularly in matters relating to re-insurance.

Appropriate ways and means would be adopted to enlarge development co-operation by both countries in economic and cultural fields. This would be carried out in a spirit of cultural co-operation notwithstanding their activities as members of other organisations of a regional character.

The agreement implemented the decisions announced by President Ayub Khan and President Sukarno on 19 September 1964, that Pakistan and Indonesia would collaborate in economic and cultural fields on the pattern set by the Regional Co-operation for Development between Pakistan, Iran, and Turkey.

10

Problems of National Integration in Pakistan

Before dealing with the problem of national integration, we must know the meaning of integration. *The Encyclopaedia Britannica* defines integration as "a physiological term designating the various processes by which the multifarious activities and functions of the organism are knit together to produce a unified individual. The nervous system is by far the most importpnt integrated mechanism. By nervous impulses organs or tissues exert a co-operative influence on other distant bodily parts. . . ." Thus harmony and co-operation are the necessary elements of integration.

With this definition of integration in our minds, let us see whether integration is possible in Pakistan or not.

In our country, there are differences of languages, customs, and ways of living in the two wings which are separated by a foreign territory. Such differences are also present in various parts of West Pakistan; the customs and social traditions of the Punjabis are different from those of the Pathans and the Sindhis. Thus it is very difficult to bring about harmony and co-operation and to integrate the masses.

The Pakistan Council has launched a number of programmes for national integration. One of these is the language-teaching programme. If West Pakistanis do not know the Bengali language, or the Bengalis do not know Urdu, understanding between them

is not possible. Thus to understand other people, learning of their language is necessary. There is a plan to teach Bengali in schools of West Pakistan as a compulsory subject and Urdu in the educational institutions of East Pakistan. But education is the provincial subject and the Provincial Governments can give the final shape to this plan. The Central Government can be helpful in this matter by requiring the C.S.S. officers to know both the languages.

But similarity of language does not always integrate, as Arabic has not integrated all Arabic-speaking countries and English has not integrated Americans and the Britishers. Common language is essential for mutual understanding which is essential for national integration.

There is a general notion that inter-wing marriages can bring about integration. But a large number of these marriages is not possible due to the differences of social customs and traditions and difficulty of communications between the inhabitants of the two wings as there is language barrier between them.

It is often suggested that exchange visits may open the way to national integration. But generally it happens that East Pakistanis visit the well-developed areas of West Pakistan and form the impression that their area is not so developed and thus these visits create misunderstandings.

Another difficulty which is not easy to overcome is that people love their own characteristics in language, dress or food habits, and they can never be persuaded to leave them at any rate. There is a variety of cultures in Pakistan and people prefer their own culture to others. Thus diversity cannot be removed, and diversity indeed is the spice of life. Integration is not opposed to diversity. Let each culture prosper and let no culture be on the defensive against another.

The need at the moment is to make the people of the two wings aware of their common aims, their combined struggle for the achievement of Pakistan and for its prosperity as a country of Muslims and not as a country of Bengalis, Punjabis, Sindhis,

Baluchis and Pathans. All the minor superficial differences disappear when we all think that we are Muslims and followers of Islam. As we have seen in September 1965, when the enemy invaded our sacred land, people of the two wings forgot all the differences of language, customs, traditions, or food habits, and were united as followers of Islam to face the enemy. It was this spirit that repelled the enemy attacks and pushed him back into his territory, and it was the spirit alone which made Bengali soldiers lay their lives for the defence of Lahore and that was the spirit which led Major Tufail to die in East Pakistan. September 1965 has proved that whenever it is the demand of time, the people of our country forget the minor differences and are united as Pakistanis to save the sacred land from the profane steps of the enemy. But national emergency does not come often. And East Pakistanis demand parity in all fields. They in fact demand equal participation in the affairs of the state. The Government is trying to remove the disparity and bring about harmonious co-operation.

National integration is opposed to social distance between groups which is the main cause of mistrust and suspicion and leads to misunderstandings and resentment with other groups. Social distance can be removed through understanding and making the other groups aware of the fact that we understand them and we like their customs and are interested in learning their language. We should understand them not intellectually but in interpersonal contact.

A foreigner looks at the integrity of the Pakistani nation in an objective or a mechanical way, regarding Pakistan as composed of a number of units of geographical territories with a number of linguistic groups having different cultures and various occupations.

But there is a subjective way of looking at integration which regards it a process. As one of Pakistani thinkers says, "It is a dynamism ruled by an inner necessity, being guided in a direction chosen by itself as a goal—or rather a series of goals leading it in a certain direction."

There are a number of levels of integration. There is an infinite series of levels of integration from the individual in his own group to the whole nation. And all the forms created by individuals by spiritual, intellectual, or material means are considered to be parts of national integration. Every individual, when he does something, is taking part in the creative process which is the basis of integration, individual or national.

But the differences between individual and groups might lead to chaos and not to integration.

History tells us that when time demands, individuals forget their goals and their instincts make them work for the people, the community, or the nation to achieve the common goal. As we have seen in September 1965, each individual absorbed his own indentity in the nation and was ready to lay his life for the sake of his country. Even the artists and intellectuals who are always considered to be self-centred and who dislike collective thinking or collective action, created a mass of literature reflecting the collective fate of the nation and not their individual destinies. The work of our workers during the war is the proof of the fact that the creative instinct of individuals does not always lead to disorder and anarchy.

Integration is the will of the people of our country. They want to become a single community due to the deepest religious belief. Our religion which is complete in itself teaches unity in action and thought. Its baslc principles are that there is no object of worship in this world and God is the only supreme power, and all should bow to Him. Thus there is no finite object of worship and equality between human beings.

Islam also says that Muhammad is the Messenger of Allah. Even prayer is not an individual's relationship with God, but the relationship of each individual with other members of the community and with God. It is not "I worship thee," but "We worship thee". The words of the prayer show that Islam has meant equality for the collective life of its people. It has been the force in the Muslim communities and it was the force responsible for the creation of Pakistan, and it is the motivating force behind

the process of integration.

The history, literature, and architecture are an integrating force. The content of poetry should be regarded more important than its form. In whichever language poetry may be written, it is the content which inspires. The common people of our villages are inspired by the poetry written in their regional languages. Thus, poetry is a great source of national integration.

Another source of national integration in literature has been the creative activity of our people in Urdu during the period from 1857 to Iqbal—in prose and poetry. The works of Hali, Shibli, Sir Sayyid, Akbar, and Iqbal inspired our people to work for integration in Muslim nation, and their endeavour resulted in the achievement of Pakistan. Iqbal and Nazrul Islam, especially, are considered to be among the most inspiring modern thinkers of Islam.

Translation of the works of our famous poets like Iqbal, Nazrul Islam, Jasimuddin, Shah Abdul Latif, and Khushhal Khan Khattak into other regional languages may contribute to the national integration, and may prove an effective solution of the language problem. Plurality of languages is not a hindrance to national integration. Integrity of Pakistan is possible even with two national languages. The example of Switzerland is before us, which has a population of 47 lakhs, 14 lakhs less than the population of Dacca district, and has three national languages.

As the industry and economies of the two parts of our country are developing they are being united with each other more firmly. In the last seventeen years the trade between East and West Pakistan has increased nine times, from Rs. 16 crores to Rs. 142 crores in 1964-65. Development of industry in either part of the country will result in the expansion of trade with the other part. The development of industry in one province will increase the trade of the other province with other countries.

The demand for Pakistan was also the result of an historical process as history plays an important role in the formation of new territories. The demand of Pakistan was the need of equality of

collective life and the wish to lead lives according to our religious principles. This is the motivating force behind national integration. Thus, the process of integration is also the result of the historical process.

Sir Sayyid was the first Muslim to realise that the Muslims must have a separate territory and that the Muslims and the Hindus were separate nations which could never be united. In 1887, he expressed his fear that these two nations, which were friends at that time, would be hostile to each other in future. Sir Muhammad Iqbal concluded the same thing when, speaking from the presidential chair of the All-India Muslim League at Allahabad in 1930, he said, "I would like to see the Punjab, North-West Frontier Province, Sind and Baluchistan united into a single state. . . ." In 1923, Sardar Gul Khan demanded a separate Muslim state. Choudhry Rahmat Ali said, "North of India is Muslim and we will keep it Muslim; not only that, we will make it a Muslim state." He was the first to suggest the name "Pakistan". In 1924, one of the Mahasabha leaders, Lala Lajpat Rai, suggested that the Hindu-Muslim problem could be solved by dividing India into two states. But these were mere suggestions and the idea of the establishment of Pakistan was never taken seriously till 1937 when Mr. Jinnah was ordained to lead the Muslims in demanding a separate state.

After the elections of 1935 in which Congress won, Mr. Nehru, who was the President of the Congress at that time, said, "There are only two parties in the country, the Congress and the British." This was a challenge to the Muslim League. But even then Mr. Jinnah offered full co-operation with the Congress. This offer was ignored and the Congress refused to consider Muslim League as a political party of India, and named it as a religious organisation. The Congress leaders and its President, Jawahar Lal Nehru, attempted to weaken the League and demoralise its leadership.

The Muslim League met for its annual session in October 1937 at Lucknow and Mr. Jinnah appealed to the Muslims to strengthen the League to settle the Hindu-Muslim problem. He

said, "Politics means power and not relying on cries of justice or fairplay or goodwill." After Mr. Jinnah's speech, Sir Sikandar Hayat Khan joined the Muslim League, followed by Mr. A. K. Fazlul Haq and Sir Muhammad Saadullah, the Premiers of Bengal and Assam, respectively. Within a few months 170 new branches of the League were established and about 100,000 new members joined in the United Provinces alone. Mr. Jinnah had now come to be known as the Quaid-e-Azam.

The Congress Ministries remained in power till October 1939 and during this period they maltreated the Muslim population in all possible manners.

When the Second World War started, the Congress was in power. The Viceroy declared war against Germany, but the Congress High Command refused to help the Government as the war was declared without consulting them. As a protest, they quit the office.

The idea of setting up a Federal form of Government in the country was in the mind of the Quaid-e-Azam and Iqbal. The Muslim League session met at Lahore in March 1940. A resolution known as the "Lahore Resolution" was moved by Mr. A K. Fazlul Haq which stood for the creation of an independent, sovereign state consisting of the Punjab, the North-West Frontier Province, Sind, and Baluchistan in the north-west and Bengal and Assam in the north-east.

The British Government wanted Indian co-operation in time of war and tried to please the Hindus and Muslims by promises. But the Government did not succeed and the Congress party raised the "Quit India" slogan. The Government arrested many members of the Working Committee and other leading Congressmen, followed by disorder and civil disobedience by the Hindus.

The Muslim League had been gaining power day by day. Elections to the Central and Provincial Legislatures were held in 1945-46 and the Muslim League was the only organisation representing the Muslim community. The League obtained 425 out of 441 Muslim seats in the Provincial Legislatures and won all seats

in the Central Legislature.

After the elections, the British Government sent a mission in order to reach an agreement between the Hindus and the Muslims of India. But the Cabinet Mission realised that reconciliation was impossible. On 16 May the Mission announced the "Compromise Formula" under which India was to remain united. Under that Formula, the Central Government was concerned with Foreign Affairs, Defence, Communications, and Finance. A Constituent Assembly was to make the Constitution.

The Assembly was to be divided into three sections, namely, Section "A" consisting of Hindu majority provinces, Section "B" consisting of the Punjab, N.-W.F.P. and Sind, and Section "C" of Bengal and Assam. These sections were to frame constitutions for the provinces.

The Muslim League agreed with the scheme of the Mission, but the Congress did not accept the plan. The Congress members and the Muslim League joined the Interim Government in October. But it was not successful as the Muslim League did not agree to join the Constituent Assembly.

Disturbances started in the country and the British Prime Minister announced that the British Government would withdraw by June 1948. Lord Mountbatten was to replace Lord Wavell as the Viceroy of India.

When Lord Mountbatten reached India in March 1947, the civil war was going on in India. By the worsening situation, he decided that peace can be brought about in India through the partition of India. He went to consult the British Government and a plan known as the Mountbatten Plan was announced. According to it those areas which were not represented in the Constituent Assembly were to decide whether their Constitution was to be framed by that Assembly or by a new one.

The Congress and the Muslim League both accepted the Mountbatten Plan. The N.-W. F. P. and Sylhet, Sind and the Muslim majority areas of the Punjab and Bengal—all voted for Pakistan. On 18 July 1947 the Act of forming the new indepen-

dent sovereign states of Pakistan and India was passed. On 14 August 1947, the new Islamic state of Pakistan came into existence and the Quaid-e-Azam became the First Governor-General of Pakistan.

After independence, the problem was to create complete internal unity and to integrate the nation as a whole, which is the problem even at present. But history tells that we had to cross mountains of difficulties to achieve this country. It was only with struggle that we succeeded at last. Let us hope that we will succeed in integrating our nation one day. Continuous struggle leads to success.

11

Era of Reforms

(i) Land Reforms, (ii) Social Reforms, (iii) Education Reforms, (iv) Economic Reforms, (v) Family Laws

Land Reforms and Agriculture

The new administration appointed a Land Reform Commission which in 1959, after completing its work, submitted a report. The report was unanimous except in one point relating to the maximum area of land which should be permissible for an individual to retain and own. Two members opposed the issue, but the President's Cabinet issued orders to given effect to the measures opposed.

In West Pakistan, the Commission was particularly asked to propose measures for security of tenure, and better production. The eastern wing was independent of these measures as Bengal had been under British administration and there was the "Permanent Settlement" System, under which land was permanently settled in the hands of the Bengal landlords.

The East Pakistan Provincial Government had instituted its own reform of land tenure in the province by the East Bengal Estate Acquisition and Tenancy Act of 1950 which aimed at extinginshing by payment of compensation all the rent-receiving interests existing between the actual cultivator and the landlords. In December 1958, the Land Revenue Commission submitted its report.

According to land reforms of West Pakistan, no individual

could own more than 500 acres of irrigated land or 1000 acres of non-irrigated land plus, where necessary, an additional area to give the equivalent of 36,000 produce index units. In addition, he could also retain 150 acres of orchard land and in some cases could also make gifts of land to members of his family and female dependants, but the total of these gifts could not exceed the equivalent of 18,000 produce index units. Thus a single individual along with his family members could retain a maximum area of about 900 acres of irrigated land. The excessive land was to be given to the Government and in return they were given the Government of Pakistan redeemable bonds bearing interest at 4% as compensation. Land held by way of Jagir was to be surrendered to the Government, without any compensation.

Under the West Pakistan Consolidation of Holdings Ordinance, 1960, the compulsory consolidation of holdings was imposed. The Commission proposed recommendations for the further protection of tenants. These regulations and a notification appeared in February 1959. As a result of these regulations, about 254,000 acres were surrendered by 902 landowners involving an amount of Rs. 75,000,000 in the shape of 4% redeemable bonds as compensation. The total cultivable area in the province is estimated to be 46,000,000 acres of which probably 35,000,000 acres are sown at any time. The surrendered land covered an area which amounted to about 5% of the total area. On the assumption of *redistribution*, on the basis of a subsistence holding of 12·5 acres, 204,000 landless persons could be resettled with their own holdings. The land which was surrendered was offered for sale at first to the tenants cultivating it previously and in case they were not desirous to buy, it was offered to others.

The average farm [in West Pakistan is some 10 acres in extent. About 755 landowners, retaining some 900 acres of irrigated and orchard land, were still enjoying interests on their compensation bonds along with their landed income.

According to the economic survey, the average area surrendered by each of these landowners was 2500 acres. The figures varied in individual cases. As for example, the Nawab of Hoti surrendered 8000 acres and Col. Amir Khan surrendered about 13,500 acres. In the Multan District, three members of the Daultana family surrendered about 16,000 acres, but the total area surrendered by thirty-seven landlords of the district was about 40,500 acres.

The agrarian reform took land from the rich and gave it to the poor. It meant greater production of food and cash crops resulting in greater efficiency in the industry. The reforms were not only concerned with the redistribution of land, but gave importance to the protection of the tenants and promoted interests of the actual cultivator. This is clear if we keep in mind that of the total farm area in West Pakistan 51% is tenant operated and of that area about one-tenth is cultivated on a share-cropping basis. Thus, reforms were meant for the advantage of the small farmers, the tenant farmers, and the agricultural workers who possess a small piece of land.

Agriculture is the principal industry and occupation in Pakistan and it accounts for 54% of the national income. It provides employment to 74% of the total population and earns 76% of the country's foreign exchange. Till 1963, that is during sixteen years, Pakistan had to import 10,650,000 tons of foodgrains in order to maintain an average ration of nearly 15 ounces of foodgrains per capita against which the earnings from the export of 1,330,000 tons of superior quantities of rice were allowed. The average ration includes the production of barley, maize, bajra, and jawar.

In 1960, the Salinity Control Project was established to solve the problem of waterlogging and salinity in West Pakistan. A study of salinity and waterlogging was carried out by Dr. Ragfar Revelle and his colleagues at the expense of the United States of America. The Revelle report was completed and the proposal envisaged an expense of $ 2·3 billion over a period of twenty-

five years, rehabilitating 100,000 acres of lost land every year.

The majority of farmers in both the wings are not easy to be convinced to use new methods of agriculture and are still attached to the old methods. In West Pakistan, the agricultural census indicates that not more than 6% of the farmers use chemical fertilisers. In East Pakistan, the corresponding figure is 4%. Another difficulty is the increasing rate of population pressure on land as disclosed by the Census of 1961.

Social Reforms

In order to solve the social problems, a Board of National Reconstruction was established with President Ayub Khan as the head and with other six members of the Cabinet, and the Director of the Bureau of National Reconstruction as its Member-Secretary. The national reconstruction aimed at raising the cultural and intellectual level of people, encouraging women to overcome the social difficulties, raising the standard of living and the elimination of provincialism and sectarianism.

An "all-out" austerity drive was announced in June 1959 and the movement was carried out by the women's voluntary group headed by the President's wife and wives of other Cabinet Ministers. Their slogan was: "Austerity is our national style". They resolved to create love for Pakistani cloth and hatred for foreign cloth and cosmetics. In September 1959, all the civilian officers received a circular issued by the Government in which they were instructed to "cast off all pomp and show".

History was proposed to be rewritten so as to correct the bias poured out by the British and Hindu scholars. In June 1964 it was announced that a Board would be established to write history text-books.

Refugee problem was an enormous problem which the new Government had to face. In Karachi alone, there were still 600,000 persons who were not settled. The census of shelterless people was carried out by students.

Lieutenant-General Azam Khan, the Minister for Rehabilita-

tion issued orders on 29 January 1959 conferring property rights on 1,420,000 allottees of rural land, in areas which formed parts of the former Punjab. Cheaply-constructed dwelling colonies were set up in Karachi and Dacca and the first batch of 200 homeless families moved in the Karachi colony located near Landhi Industrial Trading Estate on 1 August 1959.

Another problem was that of compensation of the property, both movable and immovable, abandoned by the refugees in India. The Government demanded claims for this purpose and afterwards instituted punitive legislation to avoid dishonsety. As a result many perjured claims were withdrawn or reduced. The total value of these changes amounted to Rs. 79 crores.

The new Government announced its Labour Policy in March 1959. The President, in his speech, said that the labour problems are likely to be solved by the "spirit of mutual understanding, good-will and co-operation".

The Labour Policy, announced in March 1959 was based on eleven principles which aimed at increased production from the labour force, an equitable distribution of wealth, better working conditions for labour, and development of trade unionism on the basis of ILO conventions.

An Industrial Dispute Ordinance was published which was a re-enactment of the Act of 1947 and provided for the appointment of conciliation officers whose duty was to settle disputes between the employer and the employee. If the dispute was not settled in this manner recourse was then possible to the Industrial Court on which both the parties were represented. The whole purpose was to provide machinery for the peaceful settlement of labour disputes and to eliminate all the illegal movements.

An Industrial and Commercial Employment Ordinance (Ordinance No. III, 1960) was framed for the benefit of not-well-paid employees. The rules relating to the working hours, worker classification, the payment of wages, wage-rates publication and the elimination of unfair staff arrangments were made.

A Central Institute of Islamic Research was established.

The purposes of the Institute were explained by the Government to be, first, "to define Islam in terms of its fundamentals in a rational and liberal manner, and to emphasize the basic Islamic ideals of universal brotherhood, tolerance, and social justice".

The report of the Press Commission appeared in March, 1959. The Press Commission was set up in September 1954 comprising a chairman (a former High Court Judge) and thirteen other members of whom nine were newspaper editors. But the difference in the opinions of some of the editors led to delay in Commission's work and it was afterwards concluded that the Commission should be reconstituted. The new Commission was established on 5 September 1958 comprising a chairman and five other members of which only the Member-Secretary was a professional journalist and thus the hindrance by professional disagreements was avoided. The report came out eight months after re-establishment.

On the Report's recommendations, a Wages Board to determine fair rates of pay and allowances was established. It recommended to set up Provident Funds for the benefit of the professional staff.

The Ordinance which introduced these reforms was welcomed particularly by the professions with so many inherent risks and financial limitations.

A Press and Publications Ordinance (Ordinance No. XV of 1960) was issued in the same year to revise the existing law relating to the proprietorship and editorship of newspapers, other periodicals and the control of the printing presses.

A Commission on the National Education was appointed by the Martial Law Government which submitted its report consisting of 336 pages, prepared after eight months of inquiry, to the President on 26 August 1959. It deals with the educational conditions of both the wings. It recommended "most strongly that the Bachelor's degree course should be extended from two or three years". A system of monthly examinations was to be introduced. The results of monthly tests were to be taken into account while

determining the final results. It was supposed to be a step towards the raising of standard of education, especially the university education. A Curriculm Committee was established to make the Commission's recommendations more effective. The President approved the Commission's work.

The report was not welcomed and liked by the student bodies and universities teaching staff. Agitations were held and student strikes took place in September and October 1962, after the withdrawal of the Matrial Law. In Karachi and Dacca, the disturbance was at its height. In Dacca, the police was assisted by the Army in order to restore law and order. But, in spite of so much damage, the students continued their opposition and the victory was theirs. The students were given degrees after two years and in Dacca the families of people who had been injured were compensated. Thus the labours of the Education Commission were wasted.

Besides these, several other commissions were set up by the new Government. The notable one are: (1) A Maritime Commission appointed on 19 November 1958 to inquire into Pakistan's commercial maritime affairs. As a result, a shipping corporation was established which acquired a number of brand new vessels and entered the international trade. (2) A Credit Inquiry Commission was set up to study the situation concerning monetary credit and, in the same year. (3) Commissions were oppointed to study the cotton yarn and textile industry. (4) In November 1959, the Government appointed a Medical Reforms Commission and in the following month. (5) A commission to inquire into country's sugar requirements and indigenous production from the country's sugarcane resources.

The Pay and Services Commission was set up in September 1959 with Mr. Justice Cornelius, Executive Chief Justice of the Supreme Court of Pakistan as its Chairman, assisted by seven members and a secretary. The Commission was to inquire into the structure of the Civilian Services.

The Company Law Commission was set up to inquire into

the operation of joint-stock companies in commercial law. The Commission submitted a report in 1961, but no legislative action was pursued in response to its recommendations.

Economic Reforms

Pakistan had been facing instable and fluctuating economic situation since 1952 due to the shortage of foreign exchange and her inability to solve the agrarian problem. The situation was made worse by industrialists who manipulated to retain foreign exchange earnings abroad. The selfish politicians of that time also added to the deteriorating economic situation of the country. All these circumstances led to high prices, smuggling, black-marketing, trafficking in import licences, permits, and hoarding. Moreover, adulteration of food and imitation of goods was common. In short, the public was suffering a lot.

Within a few days of the declaration of Martial Law, there was a surprising reduction in the prices of all the commodities and the public started storing the goods. Soon, it was realised that rationing was the demand of the day. On 1 November the President in his broadcast speech announced the introduction of Martial Law Regulations to control the prices of country-made and imported goods as well as of imported foodgrains. The provincial and other local authorities were authorised to control the prices of self-produced food-stuffs of the country.

The prices of cloth, cooking media, foodgrains, sugar, steel and cement, cigarettes, tea, school text-books, spices, crockery, glassware, typewriters, machinery spare parts and of other necessary articles in common use were regulated.

So far as the remaining commodities were concerned, the President said that there was no need to fix the price of everything as the Government believed that the traders would demand reasonable prices only.

The buying and selling of import licences was banned and industrial importers of specified goods were ordered to disclose their stocks to the authorities. This ban was placed to check the trafficking in licences and permits which had been closely

associated with political corruption since long. A person receiving an import licence impressed the public that it was all due to his political attachment and tried to disguise his establishment in that business. The use of these things as political weapons was prohibited by the new administration.

The economic life in Pakistan was miserable as there was a shortage of a number of things not produced by the country due to the shortage of foreign exchange. In these circumstances black market prevailed everywhere.

To overcome these difficulties, an Export Bonus Scheme was introduced in January 1959. The scheme stated that a Pakistani who wanted to export country-made goods would be receiving an import licence whose value would be a certain percentage of the total value of the goods exported, the vouchers were freely marketable, even at a premium, the premium ranging between seventy to eighty and one hundred of the face value of the voucher.

The aim of the Government was to stimulate people to export Pakistani products and to eliminate black marketing by facilitating the range of importable goods.

The objections to the scheme were that, firstly, it was likely to lead to a decline in the true value of the Pakistani rupee. Secondly, the improvement of export trade was not equally beneficial to the poor and rich. Thirdly, agricultural and industrial stores imported under this scheme had to be purchased at high rates and thus the scheme led to a burden in terms of production cost. Fourthly, everything was to be priced as if it had been imported under the Bonus Voucher Scheme irrespective of the distinction between being imported under normal commercial licences which were not charged with any premium or under bonus voucher licences.

But in spite of these drawbacks, the scheme proved to be an effective economic measure adopted by the new administration. In Karachi, the offices of twenty-two wool exporters were sealed in October and, in Lahore, the important documents of

ten big firms were taken into custody. In November, contraband gold worth Rs.60 lakhs was dredged from the sea-bed in Karachi.

Martial Law Regulations were issued in regarding undisclosed income and foreign exchange balances held abroad. Under these regulations, it was stated that anyone who had not disclosed his actual income for the year 1953-54 and afterwards could present his true income file before 31 December 1958, and would not be asked any questions.

Against this background of revised returns, Martial Law regulation No. 44 stated punishment for making false returns under various taxation acts. The person presenting the revised file had to pay a sum equal to 31% of the total excess disclosed. If not payed within thirty-days of disclosure, the rate would be 33%.

Family Laws Ordinance

The Muslim Family Laws Ordinance was an important step taken by the new administration in 1961 in the social evolution of Pakistan. The Ordinance is related with the marriage, divorce, and with the population control problems.

A marriage, from Islamic point of view, is considered to be a legally contracted relationship between man and woman. The marriage contract is recorded in written form termed "Nikahnama". Some religious and learned person prepares the "Nikahnama" and also recites some Quranic verses. The acceptance of the contract and its terms are to be expressed by the parties or their representatives in the presence of witnesses. In the case of the Shia community, the presence of witnesses is not necessary.

If a man treats all of them equally, he may have at the most four wives at a time. In case he is not liable to do equal justice to all, he must be content with one, and polygamy is prohibited in such a case.

In the Shia community, there is another form of marriage called "Muta" which takes place for a fixed term only and dissolves with the expiry of that term.

Divorce is a term in Islam which gives a man the right to

dissolve a marriage without reference to a court of law observing certain legal forms. The method of pronouncement of the "talaq" is defined by these forms. These forms state that the husband and wife must be given time to think over their disputes and to compromise, if possible, and nothing should be done in a haste. Moreover, a pregnant woman is given more protection.

There is a form in which if the husband repeats the word "talaq" thrice successivly, the woman is thought to have been divorced. This method termed "Talq-i-bain" is disapproved by all religious schools of thought and according to the author of *Muhammadan Law* is considered sinful.

In certain cases, the dispute is refered to the court—such as the case of impotence and adultery.

The power to divorce by means of *talaq* is given to the husband generally, but the wife may also ask her husband for a divorce and this method is termed *Khula.* In case the husband is not willing to dissolve the marriage he may agree on condition that the wife forgoes her dower or sometimes fixes such a large amount of money that the woman has to leave the idea of separation helplessly, or to proceed under the Dissolution of Muslim Marriage Act which enables a Muslim woman to obtain from the court a decree of divorce on any one of the grounds prescribed in it.

Polygamy is allowed in Islam to protect helpless women seeking protection, to diminish prostitution, and to reduce irregular unions and illegal births. But it is a fact that monogomy is preferred. In a country like Pakistan where a large portion of the population is illiterate and majority of the women cannot even read or write, it is very difficult to impose regulations which they consider against their deep-rooted ideas. When the Ordinance of 1961 was introduced it was seriously criticised and it was then pointed out by President Ayub Khan that the provisions of the Family Laws Ordinance were not in contradiction of Islamic principles or in conflict with the Quranic injunctions. The Ordinance introduces the registration of marriages, divorces or of

the documents in either case and thus makes the position of wives and children safe. Before the Family Laws Ordinance, a man was unrestrictedly free to enjoy polygamy and to divorce his wife or wives by pronouncing the word "talaq" three times in succession.

Polygamy is not the only problem which the Muslim Family Laws Ordinance deals with. A Commission on Marriage and Family Laws was set up six years before the declaration of Martial Law and the Ordinance is based on the recommendations of that Commission.

This Commission was appointed in 1955 by the Prime Minister of Pakistan, the late Mr. Muhammad Ali (of Bogra) to take into consideration the problems of Pakistan's marriage and family laws. In April 1955, Mr. Muhammad Ali of Bogra arranged a second marriage while his first wife was also alive. His second marriage was disliked, especially by the educated classes of Pakistani women and they protested that the Prime Minister was setting an unfortunate example. At that time, the women of Pakistan were active in demanding their Quranic rights. As a consequence of these delegations, shortly before the submission of his resignation, the Prime Minister set up the Commission comprising of a former Chief Justice of Pakistan, Maulana Ehtishamul Haq, three women and two other men.

The Commission in its recommendations stated that there should be a registration of marriages and marriage contracts should be signed by the two parties or, in case of illiteracy, their thumb-prints should be affixed. Age limits were also fixed for both males and females. Sale of daughters was severely banned. Restrictions were imposed on the husband's power to divorce. The wife was to be given rights to take her dower back. Family courts were suggested to safeguard the property of wives and their children.

The report of the Commission bearing above-stated recommendations and proposals appeared in 1956. But it was greatly criticised. Thus, the report was not welcomed and remained unadopted untill the new administration used it as the basis of the Muslim Family Laws Ordinance of 1961.

The Ordinance states that Arbitration Councils would be set up to bring about a compromise between husbands and wives. A notice would be sent to the council when either of the parties (husband or wife) seeks a dissolution of their marriage. Every marriage has to be registered and the preservation of records is essential for the councils. Copies can be obtained by paying the prescribed fee. If a man wants to arrange a further marriage, he has to submit an application and to seek permission of the Arbitration Council. The consent of the wife or wives is also essential. The age limit has been raised from fourteen to sixteen and an equitable maintenance of wife or wives has been introduced.

Due to the Muslim Family Laws Ordinance, a Pakistani woman can demand her rights. She has regained her social place and is safe from the unpredictable household calamaties.

12

Basic Democracies

(i) Concept, (ii) Structure, (iii) Prospects

The system of local Government was introduced in India for the first time by the British rulers towards the end of the nineteenth century. This system had a number of defects. But with some changes and improvements, this system continued to function in India up to 1947, and then in Pakistan up to the end of 1959. The present Government abolished the old system and introduced a new scheme of Local Self-Government in October 1959. The Basic Democracies Order was promulgated by the President of Pakistan, which set up a system of local Government in Pakistan. It was for the first time in the history of the sub-continent that a system of local Government was evolved which cuts across regional and provincial boundaries and took the whole country within its embrace.

Before the promulgation of the order, there was no uniformity in the system of local Government in Pakistan. Different regions and provinces had different systems and their laws of local Government. For the bulk of the rural areas there was no system of local Government whatsoever. But the system of Basic Democracies was extended to all parts of the country.

The system of Basic Democracies combines the aspirations and the genius of the people of Pakistan and relates to their spontaneous grouping. In ordinary parlance, "Democracy means the Government of people, by the people and for the people".

The word "Basic" means that which is set, which grasps, holds, together, causes coherence and fastens. Basic Democracy is a system which provides the base on which an upward pyramid of a round political system can be developed. As said by the President:

"We wanted it to grow and evolve from the first rung of the political and economic ladder so that it finds roots deep among the people starting at the village level in rural areas and at Mohalla level in towns. Broadly speaking, it is a system which starts at the grass roots and, after building a strong base, goes on to construct the base above. Basic Democracies provide an orderly and reasonably complete structural framework for development as well as for the evaluation of a viable system of local Government".

The whole scheme is based on three main principles: co-ordination, collaboration and co-operation. Co-ordination means that the various organs of local Government are so integrated with the provincial and national Governments that the entire machinery works as one single whole. Collaboration means that there is a real partnership between local administration and higher official machinery. Co-operation means that all branches and levels of Government work together in partnership for the benefit of the people.

The main ideas underlying the scheme of Basic Democracies are a combination of several older concepts. First, there are the ancient institutions of village self-Government as the Panchayat (Councils of Five). A village panchayat carries municipal *cum* judicial functions and acts as leader for that area, but it is the village co-operatives that are responsible for increasing production in agriculture, poultry, cottage industry, and similar fields. But now the panchayats which have flourished from time immemorial in the Indo-Pakistan subcontinent no longer exist. Next there are the more modern institutions designed to promote self-help, co-operative enterprise in village improvement like community development.

A nation of ten crores cannot be consolidated unless it has a

network of small groups and communities at the basic level —each member of the group and, community having consciousness of a common cause, and at the same time, retaining his identity and not getting lost in the vast multitude. The main foundation upon which democracy in this country has been based is the group of villages. Under the new framework, the entire country has been divided into 120,000 electoral units, each unit comprising a population of about 800 to 1000 adults. Each electoral unit elects a leader. A few electoral units are then grouped together to form the basis known as Union Council. The system is then built upwards and is integrated with the units of administration at the tehsil, district, and divisional level.

The Basic Democracies Order creates four local councils. At the basic level a Union Council in rural areas, and a Union Council/Committee in the urban areas, respectively, Town Committees for small towns, and Union Committees for large towns. The upper tiers in this structure are Tehsil Councils for Tehsils in West Pakistan and Thana Councils for Thanas in East Pakistan, Municipal Committees for large towns, Corporations for large cities and Cantonment Boards for Cantonments. Third is the District Council for each district and the next higher tier is the Divisional Council in each division. The purpose was to link the machinery of Basic Democracies with the higher levels of Governmental responsibility. So each tier is linked with the others, both by interlocking responsibilities and by a certain degree of common membership. All work together, and each has been given the administrative powers suitable to its responsibilities.

Union Council

The lowest unit in the four-tier system is the Union Council in rural areas. Its foundation is the "Primary Constituency," consisting of from 800 to 1000 people. It means that a group of about 800 to 1000 men and women can elect one representative to the Council. Adult suffrage has been established which en-

franchises everybody who is over twenty-one years of age. Eight or ten, according to convenience of these primary constituencies are grouped together form a Union Council. There are about 100,329 villages in both the wings of Pakistan, and there are 7241 Union Councils in East and West Pakistan. Out of these, there are 4053 Union Councils in East Pakistan and 3188 in West Pakistan. The Council elects its own chairman from amongst its members. Each Chairman so elected is ex-officio member of the next higher Council—that of the Thana or Tehsil. The Chairman maintains the registers and accounts, and records the minutes of the meetings. He also circulates the agenda, etc. There is a paid secretary in every Union Council who deals with office work under the supervision of the Chairman.

The Union Councils held their first meeting in March or April 1960. During 1960-61 these Councils carried out a variety of functions, such as the repair of old roads and construction of new ones, construction of bridges, opening of adult education centres and making grants to primary schools and dispensaries and water supply, etc. The law reads that 'A UNION COUNCIL' shall be responsible for agricultural, industrial and community development in the Union, and the functions which may be prescribed.

At present most of the functions of Union Councils are concentrated in the hands of the Chairmen who are held responsible for the management. Due to common membership of Union Councils with higher tiers of Basic Democracies, especially Tehsil Councils which are composed of non-official as well as official members, new channels of communications have been opened between the District Administration and the peasantry. The Council is also supposed to render help in the collection of revenue. At the beginning of a financial year, each Council has to prepare its own budget and raise funds through certain taxes. The Union Councils also receive Government aid for their projects.

The Union Council is empowered to appoint Committees and

Sub-Committees as may be necessary. The members of these Committees and Sub-Committees hold office for one year from the date of their appointment. These Committees and Sub-Committees have the power to advise them on all matters relating to village problems. Originally, the Chairman could not be removed from his office by the vote of non-confidence, but now the law has been amended and a Chairman can be removed according to the procedure laid down. It has placed a great check on the powers of Chairman.

Town Committees

Town Committees are set up for small towns. Urban areas with a population of not more than 14 thousands are defined as towns. Each of these towns has a Town Committee. There are 195 Town Committees in West Pakistan and 28 in East Pakistan. Town Committees in West Pakistan may co-operate on behalf of their Committees. These Committees and Sub-Committees so appointed hold office for such a period as is determined by the Town Committee. These Committees and Sub-Committees have the power to advise the Town Committee on all matters referred to them. Their functions and powers are almost the same as those of the Union Councils.

Union Committees

These new institutions. They are set up for larger towns with population of more than 14 thousands. They are divided into a number of Unions and each Union is known as a Union Committee. So Union Committees along with Union Councils and Town Committees form the basic tier of Basic Democracies in Pakistan. There are 697 Union Committees in West Pakistan while there are 183 Union Committees in East Pakistan. The Committees and Sub-Committees of the Union Committees have been given the power to pass resolutions and advise them on any of the matters assigned to them.

It is intended to build them as a base for Municipal admi-

nistration. It is envisaged to decentralise some of the Municipal functions and vest them in Union Committees, so that Municipal administration could come closer to the people.

The next tier above the Union Council is the Tehsil and Thana Council. Tehsil Councils have been set up in West Pakistan, while the Thana Councils have been set up in East Pakistan. Tehsil or Thana is a sub-division of District and consists of a number of Unions and Towns. East Pakistan has 411 Thana Councils while in West Pakistan there are 188 Tehsil Councils at the present. The Tehsil Council has jurisdiction throughout the area of the revenue Tehsil, except the area under a Municipal Committee. The word "Thana" as used in the Basic Democracies Order, means a Police Station in East Pakistan and includes any area declared by the Government to be a Thana for the purpose of the Order.

The membership of the Tehsil Council consists of (*a*) all the Chairmen of the Union Councils and Town Committees within that Tehsil. They are known as the "representative members"; (*b*) official members are nominated by the Deputy Commissioner. The Total number of the nominated members should not exceed one-half of the total membership of the Tehsil Council. The executive authority for a Tehsil is the Tehsil Officer, known as Tehsildar and the representative body is the Tehsil Council. While in East Pakistan the executive authority in a Thana is vested in the Sub-Divisional Officer, and the Thana Council is the representative body. The Tehsildar or Sub-Divisional Officer is the Chairman of the Tehsil Council or Thana Council.

The most populated Thana in East Pakistan is the Thana of Begumganj in Noakhali District with a population of 365,743. In West Pakistan the largest Tehsil from the population point of view is Lahore with a population 1,625,810.

Functions

The Thana and the Tehsil Councils can play as large or as small a role in development as the leadership of these Councils may elect to pay or as the District Council may assign. The Tehsil

and Thana Councils have no independent functions to perform but they provide a connecting link between Union Councils and the District Council. Their primary duty is to co-ordinate the activities of all Union Councils and Town Committees in the Tehsil or the Thana, as the case may be. In the performance of their functions, the Thana and the Tehsil Councils concerned shall act in accordance with such directions as the District Council may from time to time issue.

The Thana Council provides a periodic check on the progress of various departments, initiated projects like construction of seed stores, minor irrigation schemes, and installation of tube-wells. But the important point is that the Thana Council co-ordinates departmental programmes only when they are discussed, approved, and accepted as programmes of the council. Records show that the Thana Council meetings are called very often for explaining new governmental policies and guiding the operation of Union Councils. The Union Council chairmen interviewed stated that the Thana Council is a useful agency because in it they get a chance to talk face to face with the various Government representatives where they bring up the difficulties and problems of their own unions. Here they get a chance to solve them after a discussion with the departmental officers.

Various supplies and grants are distributed to the Union Councils and Town Committees through the Tehsil Councils. They also serve as a Tehsil Committee of a District Council. All development funds for Union Councils are channelised through Tehsil.

The principal function of the Tehsil or Thana Councils is to provide a forum for the discussion of common problems. In the sphere of administration, these Councils are expected to work as agencies for securing co-ordination among Government Departments.

Municipal Committees

Municipal Committees are set up in the Urban areas to co-ordinate the functions of the Union Committees as there is

the Tehsil Council to co-ordinate the work of the Union Councils and Town Committees. A Municipal Committee consists of Chairmen of the Union Committees within its jurisdiction and also has such other official members nominated by the Deputy Commissioner. However, the number of the nominated members must not outnumber the Chairmen of the Union Committees.

The functions which the Municipal Committee performs include constructing of roads and streets, drains, tanks, wells, registering births and deaths, establishing and maintaining dispensaries and primary schools. They also perform the duties of lightening and cleaning the streets and public parks, etc. A Municipal Committee may transfer the management and control of any Municipal institution or property in a Union to the Union Committee.

A Municipal Committee shall co-ordinate the activities of all the Union Committees in the Municipality. According to the rules, a Union Committee shall work under the general supervision of the Municipal Committee.

The third tier in the system of Basic Democracies is the District Council. The term District used in the Basic Democracies Order means the revenue District. The Council consists of official and elected members. Officials are usually the heads of the departments in the District. The elected members of the District Council are elected by the Tehsil Councils. District Councils also have Vice-Chairmen who are elected by the elected members of the District Council. Its Chairman is always the Deputy Commissioner of the District. It is the most important local Council in the system of Basic Democracies because it is a controlling as well as a co-ordinating body. It looks after both the rural and the urban areas of the entire District. It is a pivot around which revolves the entire machinery of the local Government.

The District Council has a special importance in the hierarchy of the scheme and has been assigned both operative and co-ordinative functions. More specifically, the adoption of measures for increasing food production, plantation, preservation of trees,

promotion of National Reconstruction programmes are operative functions. The District Councils are also responsible for major functions which include the maintenance of primary schools, libraries and reading rooms, animal husbandry, organisation of public games and sports, promotion of Village-AID and of the Co-operative movement and village industries. The public health measures include maintenance of dispensaries and other allied matters under the previous law. In the new set-up District Councils have the authority to undertake measures likely to promote religious and moral advancement.

Other functions may be summaried as the maintenance of secondary and higher secondary schools, and the development of culture. A long list of social and economic welfare functions, forest, markets and promotion of agriculture, and health has been drawn up. The budget of the District Council is so allocated that each pair of Union Councils would have one medical dispensary and one animal husbandry hospital.

The District Council has also to co-ordinate functions of all local Councils, Municipal Committees and Cantonment Boards within the District.

Divisional Council

It is the highest tier of Basic Democracies in Pakistan. In order to co-ordinate the work of different District Councils and to give them guidance, a Divisional Council is constituted over the District Councils. With the introduction of Divisional Councils, the institutions of local self-Government have for the first time been introduced at the divisional level in Pakistan.

At the divisional level the Council consists of the Chairmen of District Councils and other representatives of Government departments. The Divisional Council also includes elected members who are elected by the District Councils.

The main function of the Divisional Council is to co-ordinate the activities of all local Councils and Municipal bodies and Cantonment Boards within the Division. What seems clear is that Divisional Councils at their best will be dealing with

development problems and possibilities which are far beyond the resources of individual cultivators or small associations of cultivators.

A Divisional Council may co-operate with any of its Committees or Sub-Committees whose assistance or advice is considered necessary. Each Committee or Sub-Committee shall consist of not less than two members of the Divisional Council and hold office for such period as determined by the Divisional Council.

In due course of time some of the institutions maintained by the Government at the provincial level could be passed on to the Divisional Councils.

Basic Democracies provide an orderly and reasonably complete framework for development as well as for the evalution of a viable system of local Government. This system was designed to fill the existing constitutional vacuum and train the people in self-Government.

Prospects

The system of Basic Democracies was designed to perform electoral and local Government functions. Its electoral functions are that the members of Basic Democracies elect the members of Provincial Assemblies, National Assembly and the Head of the State. On the pattern of U.S.A. it was desired that the President should be elected by an electoral college because the direct election of President in such a big country leads to many difficulties and inconveniences. But with the passage of time, the election of the President is gradually becoming direct. Now the voters usually elect such members as are expected to support their particular presidential candidate. But for the members of the Assemblies, direct election seems to be more expedient.

As a system of local Government, the system is very useful. It has created the spirit of self-help amongst the people which has resulted in the construction of roads, schools and dispensaries. It has produced a sense of responsibility amongst the people and given them a training to run their own institutions.

The Union Councils are empowered to levy taxes. In the

beginning, such taxes were not welcome but now they have started realising that such taxes are being spent on their own welfare.

Local Councils also are providing facilities for ready and inexpensive justice to the people. Although the scope of Conciliation Courts is not so wide to embrace all types of cases, yet the people are saving money and time on account of the operation of the Conciliation Courts and Muslim Family Laws Ordinance. Now most of the cases pertaining to divorce, etc., are registered with the Arbitration Councils set up in the Union Councils than with the Civil Courts. It testifies the confidence of the people in such Councils. The scope of judicial functions of Basic Democracies should be extended.

The pattern of leadership in the Basic Democracies is also undergoing a change. Now more and more people are taking interest in competing for membership. Empty and shallow slogans are being replaced by solid promises. The grading of the members for handling responsibilities is in the process. All these developments forecast still better future of this system in our country.

13

Indus Waters Treaty, 1960

History of Water Dispute

When the old province of the Punjab in British India was divided at the time of Independence between Pakistan and India, the six rivers irrigating the land were also divided in a curious way by the Radcliffe Boundary Award. The rivers which flow in the Pakistan portion of the Punjab have their upper reaches in Indian control. With the transfer of the control of the Gurdaspur Tehsil to India, made in a surreptitious way, the Indus waters dispute started. An understanding was given by India to Pakistan at the time of Partition that the flow of water in the rivers irrigating lands in West Punjab would not be stopped. But, in spite of these assurances, on 1 April 1948, India cut off the supply of water. An interim agreement was signed by Pakistan and India by which on a payment of certain amount the supplies of water were restarted. Later in the same year the threat to cut off water supplies was renewed and intermittent negotiations were carried out. India did not agree to the submission of the dispute to international arbitration or International Court of Justice. Meanwhile India carried on her policy of depriving Pakistan of her rightful share of water by constructing various dams and canals in the upper reaches of the rivers Ravi, Beas and Sutlej. Pakistan as lower riparian had every right to regular and uninterrupted supply of water and this stand was legally just. The dispute remained unsolved for a

number of years. In 1951 the International Bank for Reconstruction and Development came in the picture and Mr. Lilienthal, the former chief of the Tennessee Valley Authority in U.S.A., visited both the countries and suggested a joint use of river basin by financing jointly new irrigation works. Pakistan accepted this proposal. A further step was taken when, at the instance of the International Bank, both the countries surveyed the area and prepared data for future discussions, and a series of meetings was held during 1953 and 1954. The World Bank proposals were that Pakistan should have the exclusive use of three western rivers, namely, Indus, Jhelum and Chenab, and India should be given the exclusive use of the three eastern rivers, namely, Ravi, Sutlej, and Beas. Pakistan did not accept this proposal immediately but, after protracted negotiations extending over four years, in May 1959 an agreement was signed. This Treaty allocates the waters between India and Pakistan. A transitional period from ten to thirty years has been fixed during which India will continue to deliver water to Pakistan from the eastern rivers. After this transitional period Pakistan will have no right to water from three eastern rivers. India was given limited rights for the use of some water for domestic use and generation of electric power from some of the water of the western rivers. In order to replace water supply to Pakistan, two big dams, seven link canals, five barrages, and a system of tubewells and drainage was included in the Treaty. These include Mangla Dam and various link canals. For the financing of these replacement works an Indus Basin Development Fund was established with a total amount of $900 million. Out of this about $640 million have been contributed by friendly countries, $174 million by India and $80 million will be given as loan by the World Bank to Pakistan.

Under the Treaty a permanent Indus Commission has been set up composed of two senior engineers of India and Pakistan who have the responsibility for implementing the provisions of the Treaty. The Commission visits various areas and resolves any

question on which difference of approach may arise.

Work on the construction of Mangla Dam and various link canals has been proceeding on a very good pace and it is hoped that in 1970 some of the major works connected with the water supply will have been completed and, through the Indus Waters Treaty involves deprivation on the part of Pakistan of the three western rivers of the Punjab plains, yet in view of the transient attitude adopted by India and her method of going back on solemn international commitments, the replacement works in Pakistan will, in due course of time, save Pakistan from complete dependence on India for water supplies.

The Indus Waters Treaty

The Indus Waters Treaty was signed by the Government of Pakistan and India on 19 September 1960.

The Treaty allocates the waters of the three eastern rivers—Ravi, Beas, and Sutlej—to India, with certain exceptions. The main exception is that during a transition period, while the works are being constructed in Pakistan for the replacement of the eastern river water, India will continue to deliver water to Pakistan from the eastern rivers. The transition period will be ten years, but may, in certain circumstances, be extended by a further one, two, or three years.

The waters of the three western rivers—Indus, Jhelum and Chenab—are for the use of Pakistan, and India undertakes to let flow for unrestricted use by Pakistan all the waters of these three rivers, subject to Treaty provisions that some of these waters may be used by India in areas upstream of the Pakistan border for the development of irrigation, electric power, and certain other specified uses.

Pakistan undertakes to construct, during the transition period, a system of works, part of which will replace, from the Western rivers, those irrigation uses in Pakistan which have hitherto been met from the eastern rivers.

India is to contribute to the Indus Basin Development Fund

£62,000,000 (about $174 million) in ten equal annual instalments.

The Treaty sets up a Permanent Indus Commission which will have general responsibility for implementing the provisions of the Treaty and will seek to reconcile any points of disagreement that may arise. Where differences or disputes cannot be resolved by agreement between the Commissioners, the Treaty establishes machinery for resort to a "Neutral Expert" who is to be a highly qualified engineer) for a final decision on technical questions, and for resort, in certain circumstances, to a Court of Arbitration.

The total cost of the programme of the construction works will be the approximate equivalent of $1,070,000,000 (or £380,000,000) of which approximately $870,000,000 (or £310,000,000) will be spent on works in Pakistan, and approximately $200,000,000 (or £70,000,000) on works in India. It calls, for instance, for the excavation of about 700,000,000 cubic yards of earth, and will require the use of 2,000,000 tons of cement, 250,000 of steel and 1,000,000,000 bricks and tiles.

The following works are to be built in West Pakistan:

1. A system of 8 link canals nearly 400 miles in total length, transferring water from the western rivers to areas formerly irrigated by the eastern rivers. The total area thus to be irrigated is about 5,000,000 acres. The total annual volume of water to be transferred is 14 million acre feet. Three of the canals will each be big enough to carry twice as much water as the average flow of the Potomac River at Washington or ten times as much as the average flow of the Thames at Teddington.

2. Two earth-filled storage dams, one on the Jhelum River (with a live reservoir capacity of 4·75 million acre feet) and the other on the upper Indus (with a live reservoir capacity of 4·2 million acre feet). These two reservoirs will provide the water-storage potential to meet on a firm basis the irrigation supplies of the Pakistan canals during critical periods of fluctuating short flow supplies, and will also make possible substantial new irrigation development.

3. Power stations will be installed at Jhelum Dam with a capacity of more than 300,000 killowatts.

4. Works to integrate the present canal and river system into the new inter-river link-canals. These works include three barrages to carry new canals across rivers, and the remodelling of five existing barrages and of eight existing canals.

5. Tubewells and drainage to overcome waterlogging and salinity in irrigated areas totalling 2,500,000 acres. The number of tubewells to be installed is 2500.

The Indus Basin Development Fund Agreement provides the Fund with the following resources of foreign exchange:

A. Treaty Contribution by India	£Stg. 62,060,000
B. Contributions in Grants from each of the following Governments in the amounts shown:	
Australia	£A. 6,965,000
Canada	Can. $22,100,000
Germany	DM 126,000,000
New Zealand	£NZ 1,000,000
United Kingdom	£Stg. 20,860,000
United States	$177,000,000
C. Proceeds of a United States Government Loan to Pakistan	$70,000,000
D. Proceeds of a World Bank Loan to Pakistan	$80,000,000
E. Contribution by Pakistan	£Stg. 440,000

All of the above contributions will be freely usable or convertible for purchases in member countries, through the Bank and in New Zealand and Switzerland.

In addition, the Fund will be provided with the following resources of Pakistan rupees to finance expenditure in Pakistan currency:

F. A contribution by the United States in Pakistan rupees equivalent to	$235,000,000

(This contribution will be in the form of grants, or loans, or both, to Pakistan as may be agreed between the United States and Pakistan.)

G. A contribution by Pakistan in Pakistan rupees equivalent to £Stg. 9,850,000

The aggregate resources of the Fund in foreign exchange and in Pakistan rupees will be of the order of the equivalent to $894,000,000 (about £320,000,000 Sterling).

14

The Commission on Students' Problems and Welfare

Main Recommendations

The Ministry of Education, Government of Pakistan, set up the Commission on Students' Problems and Welfare on 5 December 1964.

The Commission consisted of the following members:

(1) Mr. Justice Hamood-ur-Rehman, Supreme Court of Pakistan, Chairman.

(2) Mr. Justice S.A. Mahmood, Judge, West Pakistan High Court.

(3) Kazi Anwar-ul-Haq, Chairman, Central Public Service Commission.

(4) Mian Nasir Ahmad, Chairman West Pakistan Public Service Commission.

Its terms of reference were as follows:

(1) To examine the provisions of the University Ordinances and suggest modification wherever necessary.

(2) To take stock of existing facilities for a sound programme of studies and to suggest remedial measures commensurate with available resources.

(3) To determine the adequacy or otherwise of the recreational and welfare facilities of students and suggest ways and means of providing them within available resources.

(4) To examine any other matter affecting student life.

Khwaja Manzoor Hussain was appointed as Secretary of the Commission.

Background

In order to get the exact nature and scope of inquiry it is necessary to know the background in which this Commission was set up. The Government of Pakistan set up a Commission on National Education. The report submitted by the Commission was accepted by the Government on 6 April 1960, and the reforms were implemented in 1961-62. The University Ordinances were promulgated in June 1961 in East and West Pakistan. In September 1962 student agitation erupted in both the wings against reforms introduced at the college and university level. A strike was called out in East Pakistan on 17 September 1962 against the Education Commission reforms and especially against the three-year pass degree course. The clashes occurred between the police and students at many places. In these circumstances the President appointed a Commission to investigate the students' problems.

Degree Colleges

It was concluded after the classification of degree colleges that the degree colleges were combined colleges, having intermediate classes as well. There are 87 degree colleges in West Pakistan excluding the professional colleges and 60 in East Pakistan affiliated to various universities. According to the figures given by the Director of Instruction, 20,000 students were studying in degree classes in East Pakistan and 25,024 in West Pakistan in 1963-64. If, according to the scheme, intermediate section is bifurcated from degree section, the existing colleges would be sufficient for degree students.

The Education Secretary to the Government of West Pakistan strongly supported the proposal to start the post-graduate classes in Government Colleges.

"We regret that we cannot agree with the optimism of the Education Secretary. The qualified teachers are not available even

in the universities. It does not seem to be possible to provide good and intellectual teachers in Government Colleges for post-graduate students. We were told that the Government Colleges at Lyallpur, Rawalpindi, Multan, and even at Lahore have started M.A. classes without necessary staff and adequate facilities for research. We agree with the Provincial Secretary that the setting up of a new University is an expensive proposition and this step would not be taken unless and until it is very necessary and all facilities needed for it are available. We are definitely not in favour of setting up a University without buildings, lecture theatres, laboratories and libraries, etc. We have seen the construction of universities in both the wings. We regret to say that we sink more money on bricks and mortars rather than on providing teachers, laboratory equipment, libraries and other teaching necessities. This is what we depreciate and wish to avoid in future.

Students' Demands

"The students demand that evening classes should be started in I.A., I.Sc., I.Com., B.A., B.Sc., B.Com., in order to enable the employed persons to improve their qualifications. All the Universities and Government Colleges of both the wings are having the classes during the day time only. But many of the private colleges, however, in East and West Pakistan, run two shifts. This is the pattern particularly in Lahore, Karachi, Dacca, and Chittagong, where the pressure of admission is greater.

"In West Pakistan, according to figures supplied by the Provincial Bureau of Education, there are at present 51 Government Degree and 49 Government Intermediate Colleges. The Government of West Pakistan should (1) proceed to improve the equipment of these colleges and arrange for all of them to have adequate residential accommodation for students.

(2) Repeal *in toto* of the University Ordinances.

(3) The cases pending against students should be withdrawn and students who are in prison should be released.

(4) Three-year law course and B.Com. course should be reduced to two years.

(5) The tuition fee must be reduced to 50%.

(6) The classes of M.A., MSc., and M. Com. should be started in the colleges.

(7) The second division should begin from 45% instead of 50% marks.

(8) The admission should be given to the deserving students and to those who have been refused due to their participation in students' activities. The restriction orders passed against student leaders of Karachi, Punjab, and Peshawar should be withdrawn.

(9) Supplementary examination fees should be charged on the basis of number of papers instead of the full papers' fees.

(10) Tando-Jam Agricultural College should be given the status of University.

(11) The age limit to take admission in the Punjab and Karachi Universities should be abolished."

Other Demands

(1) More hostels and educational institutions.

(2) Free medical attention to students and provision of medical wards for students in hospitals.

(3) Opening of more polytechnics and provision of condensed courses for polytechnic graduates for obtaining degree engineering.

(4) The Universities should be constructed at Khairpur, Quetta, Kalat, and Multan.

(5) Another medical college and an Engineering University should be established in Karachi city.

(6) Free and compulsory education up to Matriculation.

(7) Evening classes up to B.A.

(8) Separate Intermediate Boards and Intermediate Colleges should be set up in Khairpur, Quetta, Kalat, and Multan regions.

(9) Regional languages should remain as medium of instruction and expression.

(10) Cheap and better books should be provided and the practice of changing syllabi should be abolished.

(11) Better salaries to the teaching staff. The institutions

running on commercial lines should be nationalised.

(12) Students' Unions should be elected on democratic basis and be kept out of the authorities' influence.

Teachers' Problems

"We are convinced that the students' problems cannot be solved as long as teacher's problems remain unsolved. The relationship between the teacher and the taught is of such a reciprocal nature that one cannot effectively function without the other.

"We feel that teachers today are as a class smarting under what they consider to be a general feeling of distrust of their profession. There is a general feeling of frustration among the teachers.

"By comparing their pay scales with other Government officials, we conclude that there is no great disparity. The attractive pays and other facilities offered by private firms and by the Atomic Energy Commission and the Council of Scientific and Industrial Research Laboratories cannot be taken for comparison. There is no such prohibition as to leave the Education Deptt. Most of persons in the teaching profession are those who would not secure any better position. There are many other facilities available to teachers such as leisure and vacation more than other Government servants. They are also given scholarships for higher studies.

"Another great problem agitating the teachers is the question of housing.

"Accommodation arrangements have already been made in Peshawar University. It is stated that accommodation facilities will be available to at least 50% teachers of Government Colleges.

"Regarding the status, the complaint is that although the teachers of Government Colleges and Universities are getting the same scale of salary as class I and class II officials of Government, yet they are denied the same status. The conferment of titles, awards, and other distinctions is considered to be an insignia of status. Some teachers think that the teaching profession is not being considered for such awards.

"But this complaint is hardly justified for Tamghas and Sitaras are now being regularly bestowed upon the teachers."

Universities

At the time of Partition there were only two Universities, one in each wing, namely, the University of the Panjab and the University of Dacca.

But now there are ten Universities in Pakistan, six in West Pakistan and four in East Pakistan. It is proposed to set up three

more Universities, two in East Pakistan and one in West Pakistan at Islamabad.

Teacher-Student Centres

The teacher-student centres are established at Peshawar, Karachi, Lahore, and one nearing completion at Dacca. This is an American innovation sponsored and partly financed by the Ford Foundation. Their aim is to provide centres not only for the extra-curricular activities of the students but also for the corporate life of the Universities. Each of them is having a complex building with a large auditorium, a games hall, a cafeteria, a restaurant, a large dining hall, a faculty banquet room, guest rooms and a union block.

Examinations

The Commission considered the proposal for the adoption of the American system of examination but hesitated.

They recommended to continue the same system of public examination with the following modifications:

(*i*) The sessional marks should not be taken into account in public examination.

(*ii*) Style of setting questions should be changed and question papers should be divided into two parts. The first part should deal with the text, while the second should contain questions to test the intelligence of the student.

(*iii*) Teacher of a subject in a particular class should not be the paper-setter in that subject.

(*iv*) At the University level the paper-setters should be from the other wing, at least at the post-graduate level.

(*v*) Up to Intermediate level school-teachers should be considered to act as examiners.

(*vi*) At the post-graduate level there should be a uniform system of examination in all Universities of both the wings and should be double examiner system.

(*vii*) There should be a compulsory public examination at the end of each year from the Intermediate level.

(*viii*) At the honours and post-graduate level there should be a viva-voce examination.

The Commission recommended that those who fail in one subject should be allowed to appear in supplementary examination. Those who fail in more than one should appear at the next regular annual examination.

The Commission suggested that the Governments of the two provinces and the Central Government should prepare a scheme for holding national tests as is done in Japan. These tests will be the tests of intelligence of the candidates.

The Medium of Instruction

Urdu and Bengali have officially been declared to be the national languages of Pakistan. It was, therefore, in favour of progressive shift from English to the national languages as the media of instruction.

Early in 1963 the Karachi University adopted a resolution to start teaching in Urdu in the University classes.

In 1964, the Panjab University allowed B.Sc., B.A. students the option to use Urdu or English as the medium of examination. In June 1965, it gave a similar option from 1967 to candidates for the Master's degree in Arts and Science.

The Sind University permitted candidates for B.A. pass and honours examination to write answers in Urdu, Sindhi or English. The Peshawar University still retains English as the medium of examination. The Dacca and Rajshahi Universities have accepted in principle that Bengali should be adopted as a medium of instruction. The Director of the Central Board for the Development of Bengali expressed that the importance of English should not be reduced and it should continue for the next twenty-five years.

It is necessary above all to keep in mind the international status of English. All the books for higher studies are in this language. Our students and teachers have still to go abroad for higher studies. It is universally agreed that English provides those

who use it with a window to the world.

At the Intermediate and B.A. level, institutions should be allowed to teach and students may have the option to answer in either of the national languages or in English.

(3) In addition to English the national language which is not the medium of instruction should be made a compulsory subject up to the Matriculation level.

Women's Education

"The real problem to be discussed is as to whether in view of our religion and social custom there should be separate institutions for young momen. There is still an orthodox section which insists that there should be separate universities for women.

"We realise that to cater to the needs of those people we must have some institutions where they would send their girls."

University Ordinances

These ordinances were promulgated in 1961, in implementation of the Report of the Commission on National Education. Extraordinary powers have been given to the Vice-Chancellors. There is in First Statute of University also, in specification of duties of teachers, a general clause to the effect that they are bound to perform such other functions and duties as may be assigned to them by the Vice-Chancellor.

Power has also been given to the Chancellor to remove any person. The power to withdraw degrees or diplomas has also been vested in the Chancellor. In East Pakistan the Chancellor has been given the power to make any order but in West Pakistan there is no such power with the Chancellor. The ordinances have created dissatisfaction amongst the students, teachers,and common people. These objections are based upon sentimental grounds rather than upon reason. They wanted them to repeal because they were made during the Marshall-Law regime.

The objections so elicited were as follows:

(*i*) Governors should not be the Chancellors of Universities.

(*ii*) Vice-Chancellors should not be appointed by Governors but should be chosen by eminent educationists.

(*iii*) The senate should be restored.

(*iv*) University authorities and bodies should consist of majority of elected members.

(*v*) Universities should be fully autonomous bodies.

(*vi*) Power of affiliation and disaffiliation of colleges should be vested exclusively in universities.

(*vii*) The provision relating to the taking away of degrees and diplomas should be repealed.

(*viii*) Acts and orders of universities should be open to challenge in courts of law.

(*ix*) The university administration should be free.

(*x*) Academic freedom should be assured to university teachers.

"We feel that a great deal of dissatisfaction has been created by lack of understanding."

"Many who appeared before the Commission were surprised to find that there should be a rational and persuasive explanation of many of the things over which students had worked themselves up but unfortunately no one had taken the trouble to put matters before them in a proper way. It is surprising that senior teachers complained that they had not been able to get a copy of the University Ordinance and students also told that they had never been able to know the exact provisions of the Ordinance."

15

Miscellaneous

(A) Food Problem and Family Planning

Food problem is one of the most important problems which Pakistan is facing at present. The Finance Minister, expressing his great concern on the problem, stated Former Finance Minister Mr. Shoaib that the Government is spending about a quarter of its total foreign exchange earnings every year on the import of food. Pakistan is an underdeveloped country and the Government should concentrate on the development projects. But if the same amount of foreign exchange earnings continues to be spent on the import of food, economic progress is bound to suffer. It is, therefore, very essential that the country should attain self-sufficiency in food by adopting scientific methods.

Food problem is linked with the problem of fast-growing population. In Pakistan, higher population pressure is playing negative role in the country's economic development. The fact is that the population problem is becoming a great menace for the whole world. According to one estimate, the aggregate world population is increasing at present at the rate of more than 170,000 persons a day, i.e. 188 per minute of every hour of every day. If the growth of population is not checked at this stage and if it continues increasing at the same pace, in the next eight centuries men will hardly find space on this globle to stand and will become cannibals as there would be nothing to eat.

Pakistan is facing the food problem due to the rapid growth of population. Fantastic population growth is also responsible

for mass poverty and for the poor per capita income of Pakistan. Pakistan has 356,529 sq. miles of land. In 1961, there were 356 persons per square mile as compared to 163 in Asia as a whole. As the population is increasing, the per capita land is bound to decrease. At the same time, the capacity of land to produce food is limited, but the capacity of man to reproduce is not limited. These two factors are sufficient to offset the efforts at self-sufficiency in food. The Government is, therefore, trying its level best to check the growth of population and to bring more land under cultivation.

Apart from these factors, there is another menace which is aggravating the food situation, i.e. waterlogging and salinity. The wastage of land due to waterlogging and salinity is so great that, if it is not controlled, ultimately it may lead to land famine. According to very careful estimates, about 100,000 acres of irrigated and 12,000 acres of unirrigated land are being rendered uncultivable every year in Pakistan. On the other hand, the rapid industrialisation would also reduce food production as more land would be used to produce raw material for the industry.

Apparently it may seem that population does not affect development programming. But the fact is that the rapid increase in population is responsible for mass poverty in Pakistan. "Higher population pressure tends to play a negative role at the initial phase of the country's development planning." It is in fact playing the same role in the development planning of Pakistan. The First Five-Year Plan sought to increase the national income by 15% and per capita income by 7·5% assuming 1·4% increase in population per annum. But the Plan ultimately succeeded in increasing the national income by 11% and, due to higher growth of population than assumed in the Plan, per capita income increased by only 3% in a range of five years.

The Second Five-Year Plan had aimed at an overall 24% increase in the national income by 1965 and anticipated 9% increase in the population during the Plan period. But at the end

of the Second Plan, it was a total of 30·4% growth in the GNP over the Plan period as against 24% originally estimated which could enable an approximate 2·5% growth rate in the per capita income, despite population growth of 2·6% per annum. One per cent per annum rate of increase will double the population in seventy years and 1·8% increase roughly in thirty-seven years. At this rate by the end of the present century Pakistan's population would be nearly 15 crores. Taking 1·8% as the likely rate of population growth if the existing level of standard is to be maintained, low as it is, real incomes must increase in the same proportion which means an increase at a rate of at least 1·8% per annum. And, according to the capital-output ratio of 4:1, Pakistan must maintain a rate of new capital accumulation of 71·2% per annum to cope with the addition made to its population. In an economy like ours which suffers from a high deficiency in saving, a considerable rise in capital formation in the near future to feed the added population will be of little practicability. Thus it is extremely necessary that artificial check on the natural growth of population must be put. Without placing some restriction on the growth of population, it will not be possible to quicken the implementation of the development Plan.

At present, Pakistan's population is increasing at the rate of approximately 2 5% per annum as compared to 2·0% for Asia as a whole. The result is that more than three million mouths are added annually to our population. On the other hand, the Third Five-Year Plan envisages public health schemes which would reduce the death-rate resulting in more increase in food requirements. The Government should, therefore, apply effective brakes to reproduction, otherwise the food situation would continue to deteriorate and poverty would be the lot of the people.

According to the Finance Minister of Pakistan, the Government had to import five lakh tons of wheat during 1965 which was two million tons more than the food imported during last year. In terms of money it meant about Rs. 100 crores or a quarter of

the country's total foreign exchange earnings. If the foreign exchange is continued to be spent at the same rate, it would cripple the economy of the country. In these circumstances, the situation can be saved from further deterioration by adopting two measures: firstly, foodgrains should be supplemented with potatoes, bananas, and yield of rice should be increased; secondly, some effective measures should be taken to check the growth of population. Government is taking keen interest in both the problems and has established the Department of Family Planning to check the population.

(B) National Economic Council

There is a National Economic Council for the purpose of economic planning for the country. This is a permanent body and consists of the representatives of the Centre and the Provinces. The President appoints the members of the Council and they hold office during his pleasure.

The fundamental function of the Council is to formulate plans regarding financial, commercial, and economic development and policies of Pakistan. It also informs the Central and Provincial Governments about those plans. The President calls the meetings of the Council to review the economic progress of the country.

The plans formulated by the Council are for a fixed period which is usually five years. The plans are to be referred to the President who sends them to the Central and Provincial Legislatures for approval. Every new expenditure is to be approved by the Legislature concerned. In this way, Legislatures also share indirect control over the National Economic Council.

(C) Rural Works Programme

The idea of the development of the rural areas of the country was first enunciated in Pakistan in 1954 under the Community Development Programme which began in 1955. But the scheme could not make any substantial headway mainly due to financial stringency. Really effective steps began with the Martial Law regime in introducing the system of Basic Democracies. To remedy some of the age-old problems of the rural populace, who

comprise about 74% of the country's population, a Rural Works Programme has been introduced through the medium of Basic Democracies.

This essentially new concept of economic development in the rural areas has been conspicuously successful in solving some of the economic problems of the rural people. Previously, developmental activities were confined mainly to urban places. The importance of rural development was firmly grasped by the present Government.

The need for rural development can hardly be over-emphasised. There is a great margin of economic disparity between urban and rural areas, for it is the urban areas that mainly attract economic activity and investment, providing more of the modern amenities of life and better employment opportunities. By contrast, rural areas lack proper educational facilities and communications and are poor in employment opportunities. The people are at or below subsistence level. Agriculture and its ancillaries provide the only source of income. Therefore the result is that these areas contain lakhs of unemployed and under-employed. About 20% of rural manpower resources are wasted in total and partial unemployment.

To reduce this unemployment, the Government's programme of rural works is intended to convert idle labour into capital. It was first started in East Pakistan, in 1962, by means of a co-ordinated system of rural works programmes. The work was to include small projects to control floods, to increase irrigation facilities, and to build roads.

The Rural Works Programme has another broad objective. It would not be very wise to neglect or to be indifferent towards the agricultural sector in an economy when it is the source of about half of the national income. Consequently, the aim would be a balanced growth of agriculture, industry, and other sectors of the economy. Much of the Rural Programme is conceived, therefore, towards providing to agriculture by such means as constructing embankments, digging small canals, and other works of impor-

tance to agriculturists. Village roads, school buildings and other socio-economic works are also included in the Rural Works Programme. The work is done with the co-operation of the rural populace.

In the Third Five Year Plan, the Government has earmarked Rs. 250 crores for this development. East Pakistan will get a larger share, Rs. 150 crores, and West Pakistan, Rs. 100 crores. These sums are expected to be fully utilised in accordance with the local needs. The programme will include rural electrification, minor irrigation works, flood control, rural communications, drinking water supplies, community houses, schools, markets, dispensaries, graveyards, Thana and Tehsil training and development centres. The Union Councils are expected to mobilise additional resources from local taxation or through utilisation of voluntary labour.

The benefits of the Rural Works Programme have been widely acknowledged and local people have begun to take keen interest in its implementation. Participation has taken the form of voluntary contributions, both of land and labour. Land valued at Rs. 9·40 crores and Rs. 2·77 crores was donated in 1963-64 and 1964-65, respectively. Contribution of labour continues to increase: it was Rs. 1·40 crores in 1963-64 and Rs. 2·28 crores in 1964-65. According to one estimate, about 36,000 schemes of various sizes were taken in hand in 1964-65 and were completed.

Appendix

THE CONSTITUTION (FIRST AMENDMENT) ACT, 1963
Act No. I of 1964

[*10th January, 1964*]

An Act to amend the Constitution of the Republic of Pakistan

WHEREAS it is expedient to amend the Constitution of the Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. (1) This Act may be called the Constitution (First Amendment) Act, 1963.

(2) It shall come into force at once.

2. In the Constitution of the Republic of Pakistan, hereinafter referred to as the Constitution, in the Preamble thereto,

(*a*) in the first paragraph, after the words "by the people" the words "within the limits prescribed by Him" shall be inserted; and

(*b*) in the fourth paragraph, in sub-paragraph (c), after the word "Islam" at the end, the words "as set out in the Holy Quran and Sunnah" shall be added.

3. In the Constitution, in Article 1, in clause (1) for the words "Republic of Pakistan" the words "Islamic Republic of Pakistan" shall be substituted.

4. In the Constitution, Part II,

(1) for the heading "**Principles of Law-Making and of Policy**" the heading "**Fundamental Rights and Principles of Policy**" shall be substituted;

(2) for Chapter 1 the following shall be substituted, namely:

CHAPTER 1—FUNDAMENTAL RIGHTS

5. *Definition of the State.* In this Chapter, unless the context otherwise requires, "the State" includes the Central Government, the Central Legislature, the Provincial Governments, the Provincial Legislatures, and all local or other authorities in Pakistan.

6. *Laws inconsistent with or in derogation of Fundamental Rights to be void.* (1) Any law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter, shall, to the extent of such inconsistency, be void.

(2) The State shall not make any law which takes away or abridges the rights so conferred, and any law made in contravention of this clause shall, to the extent of such contravention, be void.

(3) The provisions of this Article shall not apply to—

(*i*) any law relating to members of the Defence Services, or of the forces charged with the maintenance of public order, for the purpose of ensuring the proper discharge of their duties or the maintenance of discipline among them; or

(*ii*) any of the laws specified in the Fourth Schedule as in force immediately before the coming into force of the Constitution (First Amendment) Act, 1963:

and no such law nor any provision thereof shall be void on the ground that such law or provision is inconsistent with, or repugnant to, any provision of this Chapter.

THE RIGHTS

I. SECURITY OF PERSON AND FREEDOM OF MOVEMENT

1. Security of person.

No person shall be deprived of life or liberty save in accordance with law.

2. Safeguards as to arrest and detention

(1) No person who is arrested shall be detained in custody without being informed as soon as may be, of the grounds for

such arrest, nor shall he be denied, the right to consult and be defended by a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate, and no person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in sub-paragraphs (1) and (2) shall apply to any person,—

(*a*) who for the time being is an enemy alien; or

(*b*) who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall authorise the detention of a person for a period exceeding three months unless the appropriate Advisory Board has reported before the expiration of the said period of three months that there is, in its opinion, sufficient cause for such detention.

Explanation

In this sub-paragraph, "the appropriate Advisory Board" means:

(*i*) in the case of a person detained under a Central Law, a Board consisting of a Judge of the Supreme Court, who shall be nominated by the Chief Justice of that Court, and a senior officer in the service of Pakistan, who shall be nominated by the President: and

(*ii*) in the case of a person detained under a Provincial law, a Board consisting of a Judge of the High Court of the Province concerned, who shall be nominated by the Chief Justice of that Court, and a senior officer in the service of Pakistan, who shall be nominated by the Governor of that Province.

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such persons the grounds on which the order has been made, and shall afford him the earliest opportunity of making a repre-

sentation against the order:

Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against the public interest to disclose.

3. Slavery and forced labour prohibited

(1) No person shall be held in slavery, and no law shall permit or in any way facilitate the introduction into Pakistan of slavery in any form.

(2) All forms of forced labour are prohibited.

(3) Nothing in this paragraph shall be deemed to affect compulsory service—

(*a*) by persons undergoing punishment for offence against any law: or

(*b*) required by any law for public purposes.

4. Protection against retrospective punishment

No law shall authorise the punishment of a person:

(*a*) for an act or omission that was not punishable by law at the time of the act or omission; or

(*b*) for an offence by a penalty greater than, or of a kind different from, the penalty prescribed by law for that offence at the time the offence was committed.

5. Freedom of movement

Subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have the right to move freely throughout Pakistan and to reside and settle in any part thereof.

II. FREEDOM OF ASSEMBLY, ASSOCIATION AND VOCATION

6. Freedom of assembly

Every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.

7. Freedom of association

Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of morality or public order.

8. Freedom of trade, business or profession

Every citizen, possessing such qualifications, if any, as may be prescribed by law in relation to his profession or occupation, shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business:

Provided that nothing in this paragraph shall prevent:

(*a*) the regulation of any trade or profession by a licensing system, or

(*b*) the regulation of trade, commerce or industry in the interest of free competition therein, or

(*c*) the carrying on, by the Central or a Provincial Government or by a corporation controlled by any such Government, of any trade, business, industry or service, to the exclusion, complete or partial, of other persons.

III. FREEDOM OF SPEECH

9. Freedom of speech

Every citizen shall have the right to freedom of speech and expression, subject to any reasonable restrictions imposed by law in the interest of the security of Pakistan, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

IV. FREEDOM OF RELIGION

10. Freedom to profess religion and to manage religious institutions

Subject to law, public order and morality—

(*a*) every citizen has the right to profess, practise and propagate any religion; and

(*b*) every religious denomination and every sect thereof has the right to establish, maintain and manage its religious institutions.

11. Safeguard against taxation for purposes of any particular religion

No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own.

12. Safeguards as to educational institutions in respect of religion, etc.

(1) No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.

(2) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination.

(3) No citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste, or place of birth.

(4) In respect of any religious institution there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.

(5) Every religious community or denomination shall have the right to establish and maintain educational institution of its own choice, and the State shall not deny recognition to any such institution on the ground only that the management of such institution vests in that community or denomination.

(6) Nothing in this paragraph shall prevent any public authority from making provision for the advancement of any socially or educationally backward class of citizen.

V. PROPERTY RIGHTS

13. Provision as to property

Subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have the right to acquire, hold and dispose of property.

14. Protection of property rights

(1) No person shall be deprived of his property save in accordance with law.

(2) No property shall be compulsorily acquired or taken possession of save for a public purpose, and save by the authority of law which provides for compensation therefor and either fixes the amount of compensation or specifies the principles on which and the manner in which compensation is to be determined and given.

(3) Nothing in this paragraph shall affect the validity of—

(*a*) any law permitting the compulsory acquisition or taking possession of any property for preventing danger to life, property or public health; or

(*b*) any law relating to the acquisition, administration, or disposal of any property which is or is deemed to be evacuee property under any law; or

(*c*) any law providing for the taking over by the State for a limited period of the management of any property for the benefit of its owner; or

(*d*) any law in force immediately before the coming into force of the Constitution (First Amendment) Act, 1963.

Explanation. In sub-paragraphs (2) and (3), "property" shall mean immovable property, or any commercial or industrial undertaking, or any interest in any such undertaking.

VI. EQUALITY OF CITIZENS

15. Equality of citizens

All citizens are equal before law and are entitled to equal protection of law.

VII. ACCESS TO PUBLIC PLACES

16. Non-discrimination in respect of access to public places

In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex or place of birth, but nothing herein shall be deemed to prevent the making of any special provision for women.

VIII. DISCRIMINATION IN SERVICES

17. Safeguard against discrimination in services

(1) No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth:

Provided that for a period of fifteen years from the coming into force of the Constitution (First Amendment) Act, 1963, psots may be reserved for persons belonging to any class or area

to secure their adequate representation in the service of Pakistan:

Provided further that in the interest of the said service, specified posts or services may be reserved for members of either sex.

(2) Nothing in this paragraph shall prevent any Provincial Government or any local or other authority in a Province from prescribing, in relation to any class of service under that Government or authority, conditions as to residence in the Province prior to appointment under that Government or authority.

IX. CULTURE, SCRIPT AND LANGUAGE

18. Preservation of culture, script and language

Any section of citizens having a distinct language, script or culture shall have the right to preserve the same.

X. UNTOUCHABILITY

19. Abolition of untouchability

Untouchability is abolished, and its practice in any form is forbidden and shall be declared by law to be an offence; and

(3) in Chapter 2,—

(*a*) in Article 8, after clause (2), the following new clause (3) shall be added, namely:

"(3) The National Assembly, a Provincial Assembly, the President or a Governor, may refer to the Advisory Council of Islamic Ideology for advice any question as to whether a proposed law is or is not repugnant to the teachings and requirements of Islam as set out in the Holy Quran and Sunnah"; and

(*b*) after Article 8 as so amended, under the heading "Principles of Policy"

(*i*) Principle I shall be renumbered as Principle 1A;

(*ii*) before Principle 1A as so renumbered, the following Principle shall be inserted as Principle 1, namely:

1. Islam

No law shall be repugnant to the teachings and requirements

of Islam as set out in the Holy Quran and Sunnah and all existing laws shall be brought in conformity with the Holy Quran and Sunnah.

Explanation. In the application of this principle to the personal law of any Muslim sect, the expression "Quran and Sunnah" shall mean the Quran and Sunnah as interpreted by that sect"; and

(*iii*) Principle 14 shall be omitted.

5. In the Constitution, in Article 30, after clause (8), the following new clause (9) shall be added, namely:

"(9) While a Proclamation of Emergency is in force, the President may, by Order, declare that the right to move a High Court for the enforcement of such of the fundamental rights conferred by Chapter 1 of Part II of this Constitution as may be specified in the Order, and all proceedings in Courts for the enforcement of the rights so specified, shall remain suspended for the period during which the Proclamation is in force."

6. In the Constitution, in Article 98,

(*a*) in clause (2), in paragraph (*b*) for the full-stop at the end the semi-colon and word "or" shall be substituted, and thereafter the following new paragraph (*c*) shall be added, namely:

"(*c*) on the application of any aggrieved person, make an order giving such directions to any person or authority, including any Government, exercising any power or performing any function in, or in relation to, any territory within the jurisdiction of that Court as may be appropriate for the enforcement of any of the fundamental rights conferred by Chapter I of Part II of this Consitution"; and

(*b*) in clause (4),—

(*i*) in paragraph (*a*), after the brackets and letter "(*a*)", the words, brackets and letter "or paragraph (*c*)" shall be inserted; and

(*ii*) after the words "after the law officer," the words "or any person authorised by him in this behalf"

shall be inserted.

7. In the Constitution, in Article 133, after clause (2), the following new clause (3) shall be added, namely:

"(3) Nothing in clause (1) or clause (2) shall be construed to have the effect of taking away, limiting or restricting the power of a High Court exercisable by it under paragraph (*c*) of clause (2) of Article 98."

8. In the Constitution, in Article 204.

(*a*) in clause (1),—

(*i*) in sub-clause (*a*), after the word "Islam" at the end, the following shall be added, namely:

"and to examine all laws in force immediately before the commencement of the Constitution (First Amendment) Act, 1963, with a view to bringing them into conformity with the teachings and requirements of Islam as set out in the Holy Quran and Sunnah"; and

(*ii*) for sub-clause (*b*) the following shall be substituted, namely:

"(*b*) to advise the National Assembly, a Provincial Assembly, the President or a Governor on any question referred to the Council under Article 8, that is to say, a question as to whether a proposed law is or is not repugnant to the teachings and requirements of Islam as set out in the Holy Quran and Sunnah"; and

(*b*) in clause (2), for the figure "6" the figure "8" shall be substituted.

9. In the Constitution, Article 205 shall be renumbered as clause (1) of that Article, and thereafter the following new clause (2) shall be added, namely:

"(2) The Council shall, not later than the fifteenth day of January in each year, prepare a report in regard to its proceedings during the year ending on the previous thirtyfirst day of December, and submit the same to the President, who shall cause it to be laid before the National Assembly."

10. In the Constitution, in Article 223, after clause (4), the following new clause (5) shall be added, namely:

"(5) Notwithstanding anything in this Constitution, neither the Supreme Court nor a High Court shall, unless the Central Legislature by law otherwise provides, exercise any jurisdiction under this Constitution in relation to a Tribal Area."

11. In the Constitution, after Article 223, the following new Article 223A shall be inserted, namely:

"223A. *Laws relating to indemnity.*—Nothing in this Constitution shall prevent the Central Legislature from making any law indemnifying any person in the service of the Central or a Provincial Government, or any other person, in respect of any act done in connection with the maintenance or restoration of order in any area in Pakistan where martial law was in force or validating any sentence passed, punishment inflicted, forfeiture ordered or other act done under martial law in such area."

12. In the Constitution, in Article 242, in the definition of "Tribal Area", in clause (*b*), the comma after the word "Swat" and the words "and the area in the Province of East Pakistan known as Chittagong Hill Tract," be omitted.

13. In the Constitution, after the third Schedule, the following new Schedule shall be added, namely:

"FOURTH SCHEDULE"

Article 6 (3) (*ii*)

I. PRESIDENT'S ORDERS

1. The Public Offices (Disqualification) Order, 1959 (P. O. No. 3 of 1959).

2. The Basic Democracies Order, 1959 (P. O. No. 18 of 1959).

3. The Public and Representative Offices (Disqualification) Act Declaration Order, 1960 (P. O. No. 19 of 1960).

4. The Minerals (Acquisition and Transfer) Order, 1961 (P. O. No. 8 of 1961).

5. The Acceding State (Property) Order, 1961 (P. O. 12 of 1961).

6. The National and Provincial Assemblies (First Election Order, 1962 (P. O. No. 4 of 1962).

7. The Martial Law Orders (Pending Proceeding and Protection) Order, 1962 (P. O. No. 26 of 1962).

8. The Martial Law Orders (Repeal) Order, 1962 (P. O. No. 29 of 1962).

II. MARTIAL LAW REGULATIONS

1. West Pakistan Land Reforms Regulation.
2. Rawalpindi (Requisition of Property) Regulation, 1959.
3. Pakistan Capital Regulation.
4. Scrutiny of Claims (Evacuee Property) Regulation.
5. West Pakistan Border Area Regulation, 1959.

III. ORDINANCES PROMULGATED BY THE PRESIDENT

1. The Public Conduct (Scrutiny) Ordinance, 1959 (III of 1959).
2. The Control of Shipping Ordinance, 1959 (XIII of 1959).
3. The Public Conduct (Public Statutory Corporations) (Scrutiny) Ordinance, 1959 (XLI of 1959).
4. The Insurance (Amendment) Ordinance, 1960 (V of 1960).
5. The Jammu and Kashmir (Administration of Property) Ordinance, 1961 (III of 1961).
6. The Muslim Family Laws Ordinance, 1961 (VIII of 1961).
7. The Security of Pakistan (Amendment) Ordinance, 1961 (XIV of 1961).
8. The Associated Press of Pakistan (Taking Over) Ordinance, 1961 (XX of 1961).
9. The Conciliation Courts Ordinance, 1961 (XLIV of 1961).
10. The Trade Organisations Ordinance, 1961 (XLV of 1961).
11. The Jute Ordinance, 1962 (LXXIV of 1962).

IV. CENTRAL ACTS

1. The Political Parties Act, 1962 (III of 1962).
2. The Censorship of Films Act, 1963 (XVIII of 1963).

V. ORDINANCES PROMULGATED BY THE GOVERNOR OF WEST PAKISTAN

1. The West Pakistan Government Education and Training

Institutions Ordinance, 1960 (W. P. Ord. XI of 1960).

2. The West Pakistan Wakf Properties Ordinance, 1961 (W. P. Ord. No. XXIX of 1961).

3. The Societies Registration (West Pakistan Amendment) Ordinance, 1962 (W. P. Ord. No. IX of 1962).

4. The West Pakistan Industries (Control on Establishment) and Enlargement) Ordinance, 1963 (W. P. Ord. No. IV of 1963).

VI. WEST PAKISTAN ACT

1. The West Pakistan Criminal Law Amendment Act, 1963 (W. P. Act VII of 1963).

II. THE CONSTITUTION (SECOND AMENDMENT) ACT, 1964

Act No. VI of 1964

[23rd June, 1964]

An Act further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing:

It is hereby enacted as follows:

2. In the Constitution of the Islamic Republic of Pakistan hereinafter referred to as the Constitution, in Article 12,

(*a*) in clause (1), for the full-stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:

"Provided that a President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office"; and

(*b*) in clause (2), for paragraphs (*b*) and (*c*), the following paragraph shall be substituted, namely:

"(*b*) Where his predecessor as President ceased to hold office before completing his term of office—on the day on which his predecessor's term of office was due to expire."

3. In the Constitution, in Article 21, in clause (1), for the full-stop at the end a colon shall be substituted and thereafter the

following proviso shall be added, namely:

"Provided that where a National Assembly is dissolved under Article 23, the Assembly elected in its place shall continue for the unexpired period of the term of the dissolved Assembly."

4. In the Constitution, in Article 23,

(1) for clause (4) the following shall be substituted, namely:

"(4) When the President dissolves the National Assembly he shall cease to hold office upon the President elected as his successor entering upon his office"; and

(2) in clause (5), for the words, letter and brackets "paragraph (*a*) of clause" the word "Clause" shall be substituted.

5. In the Constitution, in Article 72, in clause (1), for the full-stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:

"Provided that where a Provincial Assembly is dissolved under Article 74, the Assembly elected in its place shall continue for the unexpired period of the term of the dissolved Assembly."

6. In the Constitution, in Article 158.

(*a*) after clause (2), the following new clause (2A) shall be inserted, namely:

"(2A) Every Electoral College shall continue for five years from the date on which it is, or is deemed by law to be, constituted and shall, on the expiration of the said period, stand dissolved";

(*b*) in clause (3), the words and comma "period for which, and" shall be omitted; and

(*c*) after clause (4), the following new clause shall be added, namely:

"(5) Where functions in relation to matters of local government have been conferred by law on the members of the Electoral College under clause

(4), such members shall, notwithstanding the dissolution of the Electoral College under clause (2A), continue to perform such functions until such date as may be provided by such law."

7. In the Constitution, in Article 165, after clause (5), the following new clause shall be added, namely:

(6) Where a person validly nominated as a candidate for election to the office of President dies before the completion of the election, all proceedings relating to that election shall be commenced anew as if for a new election and shall be completed within a period of one hundred and twenty days following such death."

8. In the Constitution, in Article 168, in clause (3), for the word "ninety" the words "one hundred and twenty" shall be substituted.

9. In the Constitution, in Article 169, for clauses (2) and (3) the following shall be substituted, namely:

"(2) After a general election of the members of the National Assembly. the Members of that Assembly elected from each Province shall, before the first meeting of that Assembly, elect three Members to the seats in the National Assembly reserved exclusively for women for that Province, so that there is one woman Member representing each zone formed under clause (2) of Article 162."

10. In the Constitution, to article 173, the following Explanation shall be added at the end, namely:

"*Explanation.* In clauses (*a*) and (*b*) of this Article, "election" does not include an election to the Electoral College."

11. In the Constitution, in Part VII, after Article 173, the following new Article 173A shall be inserted, namely:

"173A. *Special provision for Tribal Areas.* Nothing in this Part or any other provision of the Constitution relating to elections shall apply to the Tribal Areas;

but the President may, be Order, make such provision for the representation of the Tribal Areas in the Electoral College, in the National Assembly and in the Provincial Assembly of West Pakistan as he may deem fit."

12. In the Constitution, in Article 226, in clause (2), for the words and full-stop "three years and sixty days after that day." the words and colon "on the twenty second day of March, one thousand nine hundred and sixty-five:" shall be substituted and thereafter the following provisos shall be added, namely:

"Provided that he shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office;

Provided further that for the purpose of computing the period of eight years mentioned in clause (1) of Article 166, the term under this Article shall be reckoned as if this Article had not been amended by the Constitution (Second Amendment) Act, 1964."

III THE CONSTITUTION (THIRD AMENDMENT) ACT, 1965

Fifth Schedule

[Act. 103 [2] (*a*) and 104 (1)]

2. *Amendment of Article* 103 *of the Constitution.* In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 103, in clause (2), in paragraph (*a*), after the word "Pakistan" the words "other than an office specified in the Fifth Schedule" shall be added and shall be deemed always to have been so added.

3. *Amendment of Article* 104 *of the Constitution.* In the Constitution, in Article 104, in clause (1), after the words "service of Pakistan" the words "not being an office specified in the Fifth Schedule," shall be inserted.

4. *Addition of Fifth Schedule to the Constitution.* In the Constitution, after the Fourth Schedule, the following new Schedule shall be added and shall be deemed always to have been so added, namely:

1. An office which is not a wholetime office remunerated either by salary or fee.

2. The offices of Lambardar, Inamdar, Sufedposh, and Zaildar, whether called by this or any other title.

3. The office of the chairman of the Union Council, Union Committee and Town Committee and of the Vice-Chairman of the Municipal Committee and the District Council.

4. Reserves of the Armed Forces.

(*a*) *The Pakistan Army.*

(*i*) The Pakistan Army Regular Reserve of Officers,

(*ii*) The Pakistan Army Supplementary Reserve,

(*iii*) The Pakistan Army Supplementary Reserve Officers,

(*iv*) The Pakistan Army Supplementary Reserve of Junior Commissioned Officers and other ranks,

(*v*) The Regular Reserves of other Ranks.

(*b*) *The Pakistan Navy.*

(*i*) The Pakistan Naval Volunteer Reserve,

(*ii*) The Pakistan Naval Reserve,

(*iii*) The Naval Reservists (Ratings),

(*c*) *The Pakistan Air Force.*

(*i*) The Pakistan Air Force Regular Reserve,

(*ii*) The Pakistan Air Force Volunteer Reserve.

5. The Ansars raised under the Ansars Act, 1948 (East Bengal Act VII of 1948).

6. Any office the holder whereof, by virtue of holding such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a force.

7. Any other office, which is declared by an Act of the Central Legislature not to disqualify its holder from being elected as or from being a member of an Assembly.[1]

5. *Validation.* A person holding any of the offices specified in the Fifth Schedule to the Constitution as added by this Act who has been elected as a member of an Assembly before the commencement of this Act shall not be, and shall be deemed never to

1. Constitution (Third Amendment) Act, 1965, Gazette of Pakistan, Extraordinary, 16th June, 1965.

have been, disqualified from being elected as, and from being, a member of an Assembly, and, notwithstanding anything in the Constitution, the election of any such person shall not be questioned merely on the ground that he held any such office at the time when he was elected.

IV. THE CONSTITUTION (FOURTH AMENDMENT) ACT, 1965

[Gazette of Pakistan, Extraordinary, 12th August 1965]

2. *Amendment of Article 126 of the Constitution.* In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 126:

(1) in clause (1),

(*i*) in paragraph (*a*), after the words "service of Pakistan," the words "if his remuneration is thereby increased" shall be inserted; and

(*ii*) after the words "private property" at the end, the words "or a Judge of a High Court from being appointed as a Judge of the Supreme Court" shall be added; and

(2) in clause (2), after the words "service of Pakistan," the commas and words "not being a judicial or *quasi*-judicial office," shall be inserted.

3. *Amendment of Article 178 of the Constitution.* In the Constitution, in Article 178, after clause (3), the following new clauses shall be added, namely:

"(4) Notwithstanding anything contained in this Constitution or in any law or in the terms and conditions of service of any person, the President, in the case of a person who is a member of an All-Pakistan Service or is serving in connection with the affairs of the Centre, and the Governor of a Province, in the case of a person (not being a member of an All-Pakistan Service) who is serving in connection with the affairs of that province, may, at any time, direct,—

(*a*) in the public interest and subject to the provisions of Article 185 or, as the case may be, Article 186, of this Constitution, the retirement of a person after he has completed twenty-five years of service qualifying for pension or other retirement benefits, on such date as may be specified in the direction; and

(*b*) in accordance with rules made by him in this behalf, the retirement of a person after he has completed the fifty-fifth year of his age, on such date as may be specified in the direction:

Provided that this class shall not apply to a Judge of the Supreme Court or of a High Court or the Comptroller and Auditor General:

Provided further that paragraph (*a*) of this clause shall not apply to a person who has completed the fifty-fifth year of his age.

(5) The President or, as the case may be, the Governor may, in respect of any person or class of persons, authorise any person or authority to exercise his powers under clause (4).

(6) Any rules made under paragraph (*b*) of clause (4) shall have effect notwithstanding anything contained in any other rules or in the terms and conditions of service of a person."

(4) *Amendment of Article 185 of the Constitution.* In the Constitution, in Article 185, in clause (2),

(1) in paragraph (*d*), the word "and" at the end shall be omitted;

(2) in paragraph (*e*), for the full-stop at the end the semi-colon and word "and" shall be substituted; and

(3) after paragraph (*e*) amended as aforesaid, the following new paragraph shall be added, namely:

"(*f*) the retirement of a person under paragraph (*a*) of clause (4) of Article 178."

5. *Amendment of Article 186 of the Constitution.* In the Constitution, in article 186, in clause (2),

(1) in paragraph (*d*), the word "and" at the end shall be omitted;

(2) in paragraph (*e*), for the full-stop at the end the semi-colon and word "and" shall be substituted; and

(3) after paragraph (*e*) amended as aforesaid, the following new paragraph shall be added, namely:

"(*f*) the retirement of a person under paragraph (*a*) of clause (4) of Article 178."

6. *Amendment of Article* 250 *of the Constitution.* In the Constitution, in Article 250, after the words "repeal shall not," the

commas and words, "except, as otherwise provided in this Constitution," shall be inserted.

V. THE CONSTITUTION (FIFTH AMENDMENT) ACT, 1965

An Act further to Amend the Constitution of the Islamic Republic of Pakistan

[Gazette of Pakistan, Extraordinary, 1st December 1951]

The following Act of the National Assembly received the assent of the President on the 30th November 1965, and is published for general information:

Whereas it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:

2. *Amendment of Article* 30 *of the Constitution.* In the Constitution of the Islamic Republic of Pakistan, in Article 30, for clause (9) the following shall be substituted and shall be deemed to have been so substituted on the sixth day of September, 1965, namely:

"(9) Nothing contained in paragraphs 5, 6, 7, 8, 9 and 13 of the fundamental rights conferred by Chapter 1 of Part II of this Constitution shall, while a Proclamation of Emergency is in force, restrict the power of the State as defined in Article 5 of this Constitution to make any law or to take any executive action which it would, but for the provisions contained in the said paragraphs, be competent to make or to take, but any law so made shall, to the extent of incompetency, cease to have effect, and shall be deemed to have been repealed, at the time when the Proclamation is revcked.

(10) While a Proclamation of Emergency is in force, the President may, by Order, declare that the right to move any Court of the enforcement of such of the fundamental rights conferred by Chapter I of Part II of this Constitution as may be specified in the Order, and any proceeding in any Court which is for the enforcement, or involve the determination of any question as to the infringement, of any of the right so specified, shall remain suspended for the period during which the Proclamation is

in force, and any such Order may be made in respect of the whole or any part of Pakistan."

3. *Saving*. Any Order made under clause (9) of Article 30 of the Constitution before the commencement of this Act shall be deemed to have been made for the whole of Pakistan under clause (10) of that Article as amended by this Act and reference in any such Order to "High Court" shall be construed as reference to "Court".

VI. THE CONSTITUTION (SIXTH AMENDMENT) ACT, 1966

Gazette of Pakistan

2. *Amendment of Article 178 of the Constitution*. In the Constitution of the Islamic Republic of Pakistan, hereinafter refered to as the Constitution, in Article 178, for clauses (4), (5) and (6) the following shall be substituted, namely:

"(4) A person whose terms and conditions of services are governed by Article 127 or Article 154 or Article 176 (not being a member of the armed forces of Pakistan) or paragraph (*b*) of Article 181 shall, notwithstanding anything contained in this Constitution or in any law or in the terms and conditions of his service, retire from service—

(*a*) on such date after he has completed twenty-five years of service qualifying for pension or other retirement benefits as the competent authority may, in the public interest and subject to the provisions of Article 185 or, as the case may be, Article 186, direct: or

(*b*) if he has completed before, or completes within a period of six months from, the commencement of the Constitution (Sixth Amendment) Act, 1966, the fifty-fifth year of his age, on such date after such completion, being a date within the said period, as the competent authority may direct or, in the absence of such direction, on the expiry of the said period, or on the completion of the sixtieth years of his age, whichever be earlier; or

(*c*) in any other case, on the completion of the fifty-fifth year of his age.

(5) Notwithstanding anything contained in paragraph (*b*) or paragraph (*c*) of clause (4), the competent authority may, except for the purpose of the performance of any judicial function, extend

the service of a person beyond, or re-employ a person, after the date of his retirement under that paragraph for such period and on such terms and conditions as it may deem fit:

Provided that the service of a person which has been so extended or who has been so employed shall be liable to be terminated at not less that three months' notice on either side or upon payment of three months' salary in lieu thereof; and such termination shall not be deemed to be removal or dismissal.

Explanation.—A revenue officer, a member of the Central or a Provincial Board of Revenue, a member of any tribunal for deciding any dispute or appeal on any matter relating to income-tax, labour, industry, or elections shall not be deemed to perform any judicial function for the purposes of this clause.

(6) A person who is required to retire under paragraph (*b*) or paragraph (*c*) of clause (4), including any such person whose service has been extended under clause (5), shall be entitled to such leave preparatory to retirement as is admissible to him and the period of such leave may extend beyond the date of his retirement but not beyond the completion of the sixtieth year of his age, and if he proceeds on such leave before the said date his retirement shall take effect on the expiry of the leave.

Explanation.—In this Article, "competent authority" means—

(*a*) in relation to a person who is a member of an All-Pakistan Service of or a civil service of the Centre or Province, wherever he may, for the time being, be serving, the authority competent to make appointments to such service; and

(*b*) in relation to any other person—

(*i*) who holds a post otherwise than on deputation, the authority competent to make appointment to such post; and

(*ii*) who holds a post on deputation, the authority which sent him on deputation for appointment to such post."

3. *Amendment of Article 185 of the Constitution.* In the Constitution in Article 185, in clause (2), in paragraph (*f*), for the full-stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:

"Provided that any Order providing for exception to the

requirement of consultation with the Central Public Service Commission on the matter specified in paragraph (*f*) shall provide for consultation on that matter with such authority may be specified in that Order."

4. *Amendment of Article 186 of the Constitution.* In the Constitution in Article 186, in clause (2), in paragraph (*f*), for the full-stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:

"Provided that any Order providing for exception to the requirement of consultation with the Provincial Public Service Commission on the matter specified in paragraph (*f*) shall provide for consultation on that matter with such authority as may be specified in that Order."

5. *Amendment of the Third Schedule to the Constitution.* In the Constitution, in the Third Schedule, in entry 43,

(*a*) in item (*g*), the word "and" at the end shall be omitted;

(*b*) in item (*h*), for the full-stop at the end the semi-colon and the word "and" shall be substituted; and

(*c*) after item (*h*) amended as aforesaid, the following new item shall be added, namely:

"(*i*) taxes and duties on the production capacity of any plant, machinery, undertaking establishment or installation in lieu of the taxes and duties specified in items (*b*), (*c*) and (*f*) of this entry, or in lieu of any one or more of them."

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